



MISSOURI DEPARTMENT OF NATURAL RESOURCES

Michael L. Parson
Governor

Dru Buntin
Director

June 30, 2022

Sarah Schappe
Joint Committee on Administrative Rules
State Capitol, Room B8
Jefferson City, MO 65101

Re: Periodic rule review report pursuant to section 536.175, RSMo.

Dear Sarah Schappe:

Enclosed you will find the Missouri Department of Natural Resources' periodic rule review report. The Department began its formal review on June 30, 2021, and is submitting this report to the Joint Committee on Administrative Rules and the Small Business Regulatory Fairness Board, as required by section 536.175, RSMo. This report also will be made available on the Department's website. During its review, the Department identified a number of rules that we intend to amend.

Should you have any questions, feel free to contact Mr. Jacob Westen, General Counsel, by mail at P.O. Box 176, Jefferson City, MO 65102, by telephone at (573) 751-0323, or by email at Jacob.westen@dnr.mo.gov.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES

Dru Buntin
Director

c: Small Business Regulatory Fairness Board, *via email*



Missouri Department of Natural Resources Rule Review

2021

Director's Office

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Number of Rules Reviewed	Date of Adoption or Last Amendment	Director's Office								
		1	2	3	4	5	6	7		
2										
10 CSR 1-1.010 General Organization	10/30/2018	Yes	No	No	No	No	N/A	No	Some minor changes, administrative in nature, may be proposed in the near future. Does not cause additional regulatory burden	
10 CSR 1-3.010 Consolidation of Permit Processing	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule benefits small businesses by providing a unified and streamlined permitting process when multiple environmental permits are needed

Missouri Department of Natural Resources Rule Review

2021

Air Conservation Commission

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10 CSR 10-1.010 - General Organization	11/30/2018	Yes	No	No	No	No	N/A	No	No	
10 CSR 10-1.020 - Commission Voting and Meeting Procedures	7/30/1998	Yes	No	No	No	No	N/A	No	No	
10 CSR 10-1.030 - Air Conservation Commission Appeals and Requests for Hearings	1/30/2006	Yes	No	No	No	No	N/A	No	No	
10 CSR 10-2.205 - Control of Emissions From Aerospace Manufacture and Rework Facilities	3/30/2019	Yes	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone National Ambient Air Quality Standards (NAAQS) under the State Implementation Plan (SIP).
10 CSR 10-2.210 - Control of Emissions From Solvent Metal Cleaning	2/29/2008	Yes	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.
10 CSR 10-2.220 - Liquefied Cutback Asphalt Paving Restricted	8/30/1991	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.
10 CSR 10-2.230 - Control of Emissions From Industrial Surface Coating Operations	3/30/2019	Yes	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.
10 CSR 10-2.260 - Control of Emissions During Petroleum Liquid Storage, Loading, and Transfer	2/28/2019	Yes	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.
10 CSR 10-2.290 - Control of Emissions From Rotogravure and Flexographic Printing Facilities	2/6/1992	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.
10 CSR 10-2.300 - Control of Emissions From the Manufacturing of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.
10 CSR 10-2.320 - Control of Emissions From Production of Pesticides and Herbicides	1/30/2019	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.

Missouri Department of Natural Resources Rule Review

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10 CSR 10-2.340 - Control of Emissions From Lithographic and Letterpress Printing Operations	1/30/2019	Yes	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.
10 CSR 10-2.385 - Control of Heavy-Duty Diesel Vehicle Idling Emissions	7/30/2012	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive NOx emissions.
10 CSR 10-5.040 - Control of Emissions From Hand-Fired Equipment	5/30/2012	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to allow businesses to utilize waste for heat purposes without being required to obtain a construction permit under 10 CSR 10-6.060.
10 CSR 10-5.170 - Control of Odors From Processing of Animal Matter	4/30/2003	Yes	No	Yes*	No	No	N/A	Yes**	No	*This rule overlaps with 10 CSR 10-6.165. **The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting the emission of excessive odorous matter.
10 CSR 10-5.220 - Control of Petroleum Liquid Storage, Loading and Transfer	3/30/2019	Yes	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.
10 CSR 10-5.295 - Control of Emissions From Aerospace Manufacture and Rework Facilities	3/30/2019	Yes	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.
10 CSR 10-5.300 - Control of Emissions From Solvent Metal Cleaning	11/30/2006	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.
10 CSR 10-5.310 - Liquefied Cutback Asphalt Paving Restricted	3/11/1989	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.
10 CSR 10-5.330 - Control of Emissions From Industrial Surface Coating Operations	3/30/2019	Yes	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.
10 CSR 10-5.340 - Control of Emissions From Rotogravure and Flexographic Printing Operations	8/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.
10 CSR 10-5.350 - Control of Emissions From Manufacture of Synthesized Pharmaceutical Products	3/11/1989	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.

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10 CSR 10-5.381 - Onboard Diagnostics Motor Vehicle Emissions Inspection	5/30/2022	Yes	No	No	No	Yes*	Yes	Yes**	No	*The Department is in the process of removing Franklin County from inspection and maintenance requirements. **The continued existence of this rule is necessary to ensure compliance with the SIP. This rule contributes to attainment of the Ozone NAAQS under the SIP.
10 CSR 10-5.385 - Control of Heavy-Duty Diesel Vehicle Idling Emissions	7/30/2012	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by ensuring vehicles do not emit excess NOx. This rule also contributes to attainment of the Ozone NAAQS under the SIP.
10 CSR 10-5.390 - Control of Emissions From Manufacture of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products	9/30/2020	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.
10 CSR 10-5.420 - Control of Equipment Leaks From Synthetic Organic Chemical and Polymer Manufacturing Plants	3/11/1989	Unknown*	No	No	No	No	No	Yes	No	*The Department is determining if there are any subject sources of VOCs from chemical and polymer manufacturing.
10 CSR 10-5.442 - Control of Emissions From Lithographic and Letterpress Printing Operations	1/30/2020	Yes	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.
10 CSR 10-5.451 - Control of Emissions from Aluminum Foil Rolling	9/30/2000	Yes	No	No	No	No	No*	Yes**	No	*The Department is determining if there are any subject sources of VOCs from an aluminum foil rolling facility. **The continued existence of this rule could be necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule may contribute to attainment of the Ozone NAAQS under the SIP. If the Department finds no sources subject to this rule, the Department will commence a rescission.
10 CSR 10-5.480 - St. Louis Area Transportation Conformity Requirements	2/28/2011	Yes	No	No	No	No	Yes	No	No	
10 CSR 10-5.490 - Municipal Solid Waste Landfills	5/30/2012	Yes	No	No	No	Yes*	Yes	Yes**	No	*The Department is in the process of amending this rule to eliminate regulatory confusion by updating standards to match federal regulations. **The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive nonmethane organic compound emissions and ensure compliance with Section 111(d) of the CAA.
10 CSR 10-5.500 - Control of Emissions From Volatile Organic Liquid Storage	7/30/2020	Yes	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive NOx emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.

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10 CSR 10-5.510 - Control of Emissions of Nitrogen Oxides	5/30/2006	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive NOx emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.
10 CSR 10-5.530 - Control of Volatile Organic Compound Emissions From Wood Furniture Manufacturing Operations	2/28/2019	Yes	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also ensures attainment of the Ozone NAAQS under the SIP.
10 CSR 10-5.540 - Control of Emissions From Batch Process Operations	7/30/2020	Yes	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive VOC emissions. This rule also contributes to attainment of the Ozone NAAQS under the SIP.
10 CSR 10-5.550 - Control of Volatile Organic Compound Emissions From Reactor Processes and Distillation Operations Processes in the Synthetic Organic Chemical Manufacturing Industry	1/30/2020	Unknown*	Unknown*	No	No	Unknown*	Yes	Unknown*	No	*The Department is determining if there are any subject sources of VOCs from chemical and polymer manufacturing.
10 CSR 10-5.570 - Control of Sulfur Emissions From Stationary Boilers	2/29/2020	Yes	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary as it contributes to attainment of the PM2.5 NAAQS under the SIP.
10 CSR 10-6.010 - Ambient Air Quality Standards	7/30/2014	Yes	No	Yes*	No	No	N/A	Yes**	No	*This rule overlaps with some of the federal NAAQS. **The continued existence of this rule is necessary for attainment of the NAAQS.
10 CSR 10-6.020 - Definitions and Common Reference Tables	3/30/2014	Yes	No	No	Yes*	Yes*	Yes	Yes**	No	*The Department is currently evaluating necessary amendments to this rule resulting from other proposed rule rescissions. **This rule assists small businesses in defining terms and identifying common references.
10 CSR 10-6.030 - Sampling Methods for Air Pollution Sources	11/30/2019	Yes	No	Yes*	No	No	Yes	Yes**	No	*This rule is duplicative of some federal sampling methods. **This rule assists small businesses in determining acceptable sampling methods.
10 CSR 10-6.040 - Reference Methods	1/30/2010	Yes	No	Yes*	No	No	Yes	Yes**	No	*This rule is duplicative of some federal sampling methods. **This rule assists small businesses in determining acceptable sampling methods.

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10 CSR 10-6.045 - Open Burning Requirements	3/30/2019	Yes	No	No	No	Yes	Yes*	Yes**	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting certain open burning of refuse and combustible materials. **COMMENT: A comment was received asking what the Department is doing to support the local authorities, such as local public health departments and fire or police departments, regarding local open burning. In addition, the commenter would like to know how the Department monitors and assesses pollutants and public health from open burning. The commenter would also like to know what the Department is doing to help provide rural trash and garbage pick-up services. RESPONSE: The Air Program's open burning regulation prohibits the burning of materials that causes or constitutes a public health hazard. The Air Program works with local officials as part of our compliance and enforcement process and open burning is frequently one of the Air Program's most investigated complaints during the year.
10 CSR 10-6.050 - Start-Up, Shutdown, and Malfunction Conditions	1/30/2020	Yes	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to ensure an interactive process between regulated entities and the Department when an excess emission event occurs.
10 CSR 10-6.060 - Construction Permits Required	5/30/2020	Yes	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to ensure compliance with the new source review requirements in the CAA and with the SIP.
10 CSR 10-6.061 - Construction Permit Exemptions	9/30/2020	Yes	No	No	No	Yes*	N/A	Yes***	*The Department plans to amend the rule in response to the comment requesting the correction of a reference. **The continued existence of this rule is necessary to exempt certain facilities and projects from the construction permit requirements in 10 CSR 10-6.060. ***COMMENT: A comment was received that points out the reference (12)(a) of 10 CSR 10-6.060 listed in 10 CSR 10-6.061(3)(A) is incorrect since 10 CSR 10-6.060(12) only has subsections (A), (B), and (C). RESPONSE: The Department plans to amend the rule in response to the comment that requests the correction of a reference.
10 CSR 10-6.062 - Construction Permits By Rule	3/30/2019	Yes	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to provide a less burdensome permitting process when certain conditions are met.
10 CSR 10-6.065 - Operating Permits	3/30/2019	Yes	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to ensure the Department maintains the State's Operating Permit Program in accordance with Title V of the CAA
10 CSR 10-6.070 - New Source Performance Regulations	9/30/2020	Yes	No	Yes*	No	Yes	Yes**	No	*This rule is duplicative of the federal New Source Performance Standards. **The continued existence of this rule is necessary to maintain the Department's authority to implement and enforce these federal regulations. This rule does not add additional burden.
10 CSR 10-6.075 - Maximum Achievable Control Technology Regulations	9/30/2020	Yes	No	Yes*	No	Yes	Yes**	No	*This rule is duplicative of the federal Maximum Achievable Control Technology Regulations. **The continued existence of this rule is necessary to maintain the Department's authority to implement and enforce these federal regulations. This rule does not add additional burden.

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10 CSR 10-6.080 - Emission Standards for Hazardous Air Pollutants	9/30/2020	Yes	No	Yes*	No	No	Yes	Yes**	No	*This rule is duplicative of the federal Emission Standards for Hazardous Air Pollutants. **The continued existence of this rule is necessary to maintain the Department's authority to implement and enforce these federal regulations. This rule does not add additional burden.
10 CSR 10-6.090 - Restriction of Emission of Fluorides From Primary Aluminum Reduction Installations	8/13/1981	Yes	No	No	No	No	N/A	No	No	
10 CSR 10-6.110 - Reporting Emission Data, Emission Fees, and Process Information	3/30/2021	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to ensure emissions are reported and appropriate fees are collected pursuant Section 643.079, RSMo
10 CSR 10-6.120 - Restriction of Emissions of Lead From Specific Lead Smelter-Refinery Installation	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to ensure public health protections against harmful lead emissions.
10 CSR 10-6.130 - Controlling Emissions During Episodes of High Air Pollution Potential	12/30/2013	Yes	No	No	Yes	Yes*	N/A	Yes**	No	*The Department plans to evaluate the requirements to determine if the rule can be amended to less restrictive alternatives. **The continued existence of this rule is necessary to ensure an alert system and associated procedures when air pollution is at dangerous levels.
10 CSR 10-6.140 - Restriction of Emissions Credit for Reduced Pollutant Concentrations From the Use of Dispersion Techniques	1/30/2020	No*	No	Yes*	No	No	N/A	Yes**	No	*This rule is duplicative of some federal regulations found at 40 CFR 51. The Department plans to rescind this rule. **This rule could affect small businesses, but the Department plans for its rescission.
10 CSR 10-6.150 - Circumvention	11/30/1990	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to ensure emission controls are not circumvented.
10 CSR 10-6.161 - Commercial and Industrial Solid Waste Incinerators	2/29/2020	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **The continued existence of this rule is necessary to ensure compliance with Section 111(d) of the CAA.

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79										
10 CSR 10-6.165 - Restriction of Emission of Odors	9/30/2014	Yes	No	No	No	No	N/A	Yes*	Yes**	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting the emission of excessive odorous matter. **COMMENTS: Over 260 comments were received suggesting that all CAFOs require odor control plans. Monitoring and enforcement should specify a process for enforcement when a CAFO repeatedly violates the odor threshold and when facilities have not correctly implemented odor control plans. RESPONSE: The Air Program's odor rule regulates Class IIA CAFOs since they are the largest of the CAFOs and are seen as being the most industrial types of operation. Regulating all size AFOs and CAFOs would be difficult due to the large number of these operations in the state and burdensome to those operations. The Department's Water Program does regulate smaller operations due to concerns about water leaving the operation's property. The Water Program's regulations also establish buffers from established buildings or residences.
10 CSR 10-6.170 - Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin	3/30/2019	Yes	No	No	No	No	N/A	Yes*	Yes**	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting the emission of fugitive particulate matter. **COMMENTS: Five comments were received suggesting the Department consider expanding this "fugitive dust" rule to apply to CAFOs as a source of particulate matter (PM) emissions. In addition commenters requested that the Department incorporate by reference reporting, record keeping, and testing methods to ensure fugitive particulate matter emissions will not be found on surfaces beyond the property line where they originate presuming that ammonia and hydrogen sulfide are considered PM. Moreover, DNR should collect and analyze air samples to ensure compliance with the air quality performance standards and specify the appropriate enforcement process when fugitive particulate matter emissions go beyond the premise of origin. RESPONSE: Commenters suggest that odorous emissions from CAFOs, specifically ammonia and hydrogen sulfide, qualify as particulate matter. This rule does not apply to CAFOs because odorous gases are not included in the definitions of fugitive particulate matter emissions or particulate matter as defined in the rule. Odor from CAFOs is regulated by 10 CSR 10-6.165, Restriction of Emission of Odors.
10 CSR 10-6.180 - Measurement of Emissions of Air Contaminants	9/30/2018	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to ensure that tests measuring air emissions can be performed upon the Department's request.
10 CSR 10-6.191 - Sewage Sludge Incinerators	5/30/2013	Yes	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to ensure compliance with Section 111(d) of the CAA.
10 CSR 10-6.200 - Hospital, Medical, Infectious Waste Incinerators	2/29/2020	Yes	No	No	No	No	No*	Yes**	No	**The Department plans to evaluate and update the incorporation reference to comply with Section 536.031, RSMo. **The continued existence of this rule is necessary to ensure compliance with Section 111(d) of the CAA.

Missouri Department of Natural Resources Rule Review

2021

Air Conservation Commission

Number of Rules Reviewed	Date of Adoption or Last Amendment	Air Conservation Commission							Comments received?	Department Comments
		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.		
79										
10 CSR 10-6.210 - Confidential Information	12/30/2016	Yes	No	No	No	Yes*	N/A	Yes**	No	*The Department is in the process of amending this rule to accurate define information EPA allows the Department to hold confidential providing certainty to regulated businesses. **The continued existence of this rule is necessary to ensure regulated entities and the Department have procedures in place to comply with Section 643.050.5, RSMo. This rule protects the confidential information of small businesses.
10 CSR 10-6.220 - Restriction of Emission of Visible Air Contaminants	3/30/2019	Yes	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excess visible air contaminant emissions.
10 CSR 10-6.230 - Administrative Penalties	11/30/1999	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to ensure regulated entities and the Department have procedures in place to comply with Section 643.085, RSMo.
10 CSR 10-6.241 - Asbestos Projects-Registration, Abatement, Notification, Inspection, Demolition, and Performance Requirements	7/30/2020	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by ensuring that the Department is aware of certain asbestos abatement projects and demolitions and that there are procedures in place requiring asbestos inspections.
10 CSR 10-6.250 - Asbestos Projects-Certification, Accreditation and Business Exemption Requirements	2/28/2019	Yes	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by ensuring that the individuals working on asbestos projects are trained and certified.
10 CSR 10-6.261 - Control of Sulfur Dioxide Emissions	3/30/2019	Yes	No	No	No	Yes*	Yes	Yes**	No	*The Department is evaluating the changes necessary to achieve approval of this rule into the SIP. **The continued existence of this rule is necessary to protect the health and welfare of Missourians by establishing requirements for sources of sulfur dioxide in order to ensure compliance with the NAAQS.
10 CSR 10-6.270 - Acid Rain Source Permits Required	9/30/2020	Yes	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to ensure compliance with the federal Acid Rain Program.
10 CSR 10-6.280 - Compliance Monitoring Usage	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to ensure that regulated entities may use certain alternate compliance certification methods in accordance with the CAA.
10 CSR 10-6.310 - Restriction of Emissions from Municipal Solid Waste Landfills	3/31/2022	Yes	No	No	No	Yes*	Yes	Yes**	No	*The Department is in the process of amending this rule to eliminate regulatory confusion by updating standards to match federal regulations. **The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive nonmethane organic compound emissions and ensure compliance with Section 111(d) of the CAA.

Missouri Department of Natural Resources Rule Review

2021

Air Conservation Commission

Number of Rules Reviewed	Date of Adoption or Last Amendment	Air Conservation Commission							Comments received?	Department Comments
		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.		
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10 CSR 10-6.330 - Restriction of Emissions From Batch-Type Charcoal Kilns	5/30/2020	Yes	No	No	No	No	Yes	Yes*	Yes**	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive emissions from charcoal kilns. This rule also ensures compliance with Missouri's Regional Haze Plan. **COMMENT: A comment was received requesting the addition of definitions for retorts and furnaces in the rule. RESPONSE: The Department will consider and evaluate the need for the addition of definitions for retorts and furnaces to the rule.
10 CSR 10-6.372 - Cross-State Air Pollution Rule NOx Annual Trading Program	3/30/2019	Yes	No	No	No	No	Yes	No	No	
10 CSR 10-6.374 - Cross-State Air Pollution Rule NOx Ozone Season Group 2 Trading Program	3/30/2019	Yes	No	No	No	No	Yes	No	No	
10 CSR 10-6.376 - Cross-State Air Pollution Rule Annual SO2 Group 1 Trading Program	11/30/2021	Yes	No	No	No	No	Yes	No	No	
10 CSR 10-6.380 - Control of NOx Emissions From Portland Cement Kilns	2/28/2019	Yes	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive NOx emissions. This rule also ensures compliance with the SIP.
10 CSR 10-6.390 - Control of NOx Emissions From Large Stationary Internal Combustion Engines	5/30/2020	Yes	No	No	No	No	Yes	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive NOx emissions. This rule also ensures compliance with the SIP.
10 CSR 10-6.400 - Restriction of Emission of Particulate Matter From Industrial Processes	10/30/2013	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive particulate matter emissions. This rule also ensures compliance with the SIP.
10 CSR 10-6.405 - Restriction of Particulate Matter Emissions From Fuel Burning Equipment Used for Indirect Heating	9/30/2020	Yes	No	No	No	No	N/A	Yes*	No	*The continued existence of this rule is necessary to protect the health and welfare of Missourians by restricting excessive particulate matter emissions. This rule also ensures compliance with the SIP.
10 CSR 10-6.410 - Emissions Banking and Trading	9/30/2012	Yes	No	No	Yes*	Yes*	No**	Yes***	No	*The Department is in the process of amending this rule to more narrowly tailor the program and clarify procedures, but will ultimately require EPA approval. **The Department plans to evaluate and update the incorporations reference to comply with Section 536.031, RSMo. ***The continued existence of this rule is necessary because it provides businesses a mechanism to acquire offsets for economic development in accordance with Section 643.220, RSMo

Missouri Department of Natural Resources Rule Review

2021

Clean Water Commission

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**Date of Adoption
or Last
Amendment**

**Number of Rules
Reviewed**

44 10 CSR 20-2.010 - Definitions	1/30/2019	Yes	No	No	No	Yes	Yes*	No	*This rule affects small business but as this is a definitions rule & does not set requirements, the rule serves a public purpose by providing a consistent definition for terms used in the subsequent chapters of 10 CSR 20 and continues to be necessary.
10 CSR 20-3.010 - Penalty Assessment Protocol	3/30/2000	Yes	No	No	No	Yes	Yes*	No	*This rule affects all holders of NPDES permits and all who cause pollution or have the potential to cause pollution to MO waters. This includes small businesses as it allows assessment for penalties incurred for violations of MO Clean Water Law and continues to be necessary.
10 CSR 20-4.023 - State Forty Percent Construction Grant Program	10/30/2007	Yes	No	No	No	N/A	No	No	
10 CSR 20-4.030 - Grants for Sewer Districts and Certain Small Municipal Sewer Systems	2/28/2019	Yes	No	No	No	N/A	No	No	
10 CSR 20-4.040 - Clean Water State Revolving Fund General Assistance Regulation	2/28/2019	Yes	No	No	No	N/A	No	No	
10 CSR 20-4.041 - Direct Loan Program	2/28/2019	Yes	No	No	No	N/A	No	No	
10 CSR 20-4.050 - Environmental Review	2/28/2019	Yes	No	No	No	N/A	No	No	
10 CSR 20-4.061 - Stormwater Grant and Loan Program	2/28/2019	Yes	No	No	No	N/A	No	No	
10 CSR 20-6.010 - Construction and Operating Permits	2/28/2019	Yes	No	No	No	Yes	Yes*	No	*This rule affects all holders of NPDES permits and all who cause pollution or have the potential to cause pollution to MO waters. This includes small business since it discusses the requirements for Continuing Authority, Antidegradation, Facility Plans, and Engineering Reports as they pertain to NPDES Operating Permits and Construction Permits. These permits are necessary to protect human health and the environment.
10 CSR 20-6.011 - Fees	2/28/2019	Yes	No	No	No	N/A	Yes*	No	*This rule may affect small business; the fees apply to all holders of NPDES permits. These permits are necessary to protect human health and the environment.
10 CSR 20-6.015 - No-Discharge Permits	2/28/2019	Yes	No	No	No	Yes	Yes*	No	*May have an impact on small businesses with the requirement of a Missouri State Operating Permit. Monitoring and reporting may also impact small businesses as the permit may require soil testing for specific parameters along with groundwater monitoring with both dependent on resources available for the facility to have a negative impact on water quality. These permits are necessary to protect human health and the environment.
10 CSR 20-6.020 - Public Participation, Hearings, and Notice to Governmental Agencies	4/30/2020	Yes	No	No	No	Yes	Yes*	No	*Impacts to small business may include non-issuance of the permit, which would impact the ability of the applicant to operate. These permits are necessary to protect human health and the environment.
10 CSR 20-6.030 - Disposal of Wastewater in Residential Housing Developments	3/30/1999	Yes	No	No	No	Yes	Yes*	No	*Impact to small business would include the cost for compliance to obtain the material and information needed to allow the department to make a determination for the proper wastewater disposal for residential housing. The conditions of this rule are necessary to protect human health and the environment.
10 CSR 20-6.060 - Water Quality Certification	7/30/2001	Yes	No	No	No	Yes	Yes	No	*Impact to small business is via the cost of the water quality certification. The rule is necessary to ensure protection of human health and the environment.

Missouri Department of Natural Resources Rule Review

2021

Clean Water Commission

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10 CSR 20-6.070 - Groundwater Heat Pump Operating Permits	2/28/2019	Yes	No	No	No	Yes	Yes	No	*Operating permits application cost, annual fees, and terms and conditions of the permit for monitoring and sampling may impact small businesses. The permit is necessary to ensure protection of human health and the environment.
10 CSR 20-6.080 - Signatures for Construction Permits, Operating Permits and Groundwater Heat Pump Injection/Withdrawal Wells	5/11/1981	Yes	No	No	No	N/A	Yes	No	*Operating permits application cost, annual fees, and terms and conditions of the permit for monitoring and sampling may impact small businesses. The permit is necessary to ensure protection of human health and the environment.
10 CSR 20-6.090 - Class III Mineral Resources, Injection/Production Well Operating Permits	2/28/2019	Yes	No	No	No	Yes	Yes	No	*Operating permits application cost, annual fees, and terms and conditions of the permit for monitoring and sampling may impact small businesses. The permit is necessary to ensure protection of human health and the environment.
10 CSR 20-6.100 - General Pretreatment Regulation	10/30/2012	Yes	No	No	No	Yes	No*	No	*Since the purpose of the regulation is to provide protection of POTWs, it has a direct benefit to the public. POTWs typically treat conventional pollutants & ammonia, and are subject to effluent limitations that restrict the discharge of these pollutants. The pretreatment regulation is aimed at controlling other pollutants such as oil/grease, paint, solvents, and other materials found in commercial & industrial waste water which 1) "pass through" the POTW untreated or only partially treated, and 2) interfere with POTW operations. The pretreatment regulations improve opportunities to recycle & reclaim municipal & industrial wastewater & sludge which could otherwise have costly disposal.
10 CSR 20-6.200 - Stormwater Regulations	2/28/2019	Yes	No	No	No	Yes	Yes*	No	*Facilities are required to obtain a site-specific or general Missouri State Operating Permit for the discharge of municipal, industrial, or construction stormwater permits and terms and conditions established in the permit may impact small business due to cost of compliance. The stormwater regulations establishes who is required to apply and maintain an operating permit. Cost of compliance results in parameters tested and reporting to ensure that either federal or state technology standards are being implemented along with ensuring the protection of water quality in accordance with the Missouri Clean Water Law. Additionally, applications fees for new or modified facilities along with annual operating permit fees impact small business also.
10 CSR 20-6.300 - Concentrated Animal Feeding Operations	2/28/2019	Yes	No	No	No	Yes	Yes*	Yes**	*Operating permits application cost, annual fees, and terms and conditions of the permit for monitoring and sampling may impact small businesses. These permits are necessary to protect human health and the environment. **See attachment
10 CSR 20-7.015 - Effluent Regulations	2/28/2019	Yes	No	No	No	Yes	Yes*	No	*The rule establishes effluent limits to protect Missouri waters. The Department is currently working on an amendment to this rule that will add a statewide reduction of phosphorus from discharging point sources. This proposed rule only impacts larger facilities and so should have little cost impact on smaller businesses. However, the rule protects all users of Missouri waters, including small businesses, that might have to treat to remove nutrients in the water they use.
10 CSR 20-7.031 - Water Quality Standards	4/30/2018	Yes	No	No	No	Yes	No	Yes*	*See attachment
10 CSR 20-7.050 - Methodology for Development of Impaired Waters List	6/30/2009	Yes	No	No	No	Yes	No	No	

Missouri Department of Natural Resources Rule Review

2021

Clean Water Commission

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Number of Rules Reviewed	Date of Adoption or Last Amendment	Clean Water Commission							Comments received?	Department Comments	
		44	10 CSR 20-8.110 - Engineering - Reports, Plans, and Specifications	2/28/2019	Yes	No	No	No	Yes	Yes*	No
10 CSR 20-8.120 - Gravity Sewers	2/28/2019	Yes	No	No	No	No	No	Yes	Yes*	No	*This rule affects small business by setting forth the minimum criteria for the design of gravity sewers systems. These minimum design criteria are necessary to provide systems that protect human health and water quality.
10 CSR 20-8.125 - Alternative Sewer Systems	2/28/2019	Yes	No	No	No	No	No	Yes	Yes*	No	*This rule affects small business by setting forth the minimum criteria for the design of alternative sewer systems. These minimum design criteria are necessary to provide systems that protect human health and water quality.
10 CSR 20-8.130 - Pumping Stations	2/28/2019	Yes	No	No	No	No	No	Yes	Yes*	No	*This rule affects small business by setting forth the minimum criteria for the design of pump stations. These minimum design criteria are necessary to provide systems that protect human health and water quality.
10 CSR 20-8.140 - Wastewater Treatment Facilities	2/28/2019	Yes	No	No	No	No	No	Yes	Yes*	No	*This rule affects small business by setting forth the minimum criteria for design of all wastewater treatment systems. These minimum design criteria are necessary to provide systems that protect human health and water quality.
10 CSR 20-8.150 - Preliminary Treatment	2/28/2019	Yes	No	No	No	No	No	Yes	Yes*	No	*This rule affects small business by setting forth the minimum criteria for the design of preliminary wastewater treatment systems. These minimum design criteria are necessary to provide systems that protect human health and water quality.
10 CSR 20-8.160 - Settling	2/28/2019	Yes	No	No	No	No	No	Yes	Yes*	No	*This rule affects small business by setting forth the minimum criteria for the design of wastewater settling processes. These minimum design criteria are necessary to provide systems that protect human health and water quality.
10 CSR 20-8.170 - Solids Handling and Disposal	2/28/2019	Yes	No	No	No	No	No	Yes	Yes*	No	*This rule affects small business by setting forth the minimum criteria for the design of wastewater solids handling and disposal processes. These minimum design criteria are necessary to provide systems that protect human health and water quality.
10 CSR 20-8.180 - Biological Treatment	2/28/2019	Yes	No	No	No	No	No	Yes	Yes*	No	*This rule affects small business by setting forth the minimum criteria for the design of biological wastewater treatment systems. These minimum design criteria are necessary to provide systems that protect human health and water quality.
10 CSR 20-8.190 - Disinfection	2/28/2019	Yes	No	No	No	No	No	Yes	Yes*	No	*This rule affects small business by setting forth the minimum criteria for the design of wastewater effluent disinfection systems. These minimum design criteria are necessary to provide systems that protect human health and water quality.
10 CSR 20-8.200 - Wastewater Treatment Lagoons and Wastewater Irrigation Alternatives	2/28/2019	Yes	No	No	No	No	No	Yes	Yes*	No	*This rule affects small business by setting forth the minimum criteria for the design of wastewater lagoon systems, irrigation alternatives, and wastewater earthen basins. These minimum design criteria are necessary to provide systems that protect human health and water quality.
10 CSR 20-8.210 - Supplemental Treatment	2/28/2019	Yes	No	No	No	No	No	Yes	Yes*	No	*This rule affects small business by setting forth the minimum criteria for the design of wastewater supplemental treatment systems. These minimum design criteria are necessary to provide systems that protect human health and water quality.
10 CSR 20-8.300 - Design of Concentrated Animal Feeding Operations	2/28/2019	Yes	No	No	No	No	No	Yes	Yes*	Yes**	*This rule sets minimum design standards for CAFOs which are necessary to protect human health and the environment. **See attachment

Missouri Department of Natural Resources Rule Review

2021

Clean Water Commission

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10 CSR 20-8.500 - Design Requirements for Agrichemical Facilities	2/28/2019	Yes	No	No	No	Yes	Yes*	No
								"This rule sets minimum design standards for agrichemical facilities which are necessary to protect human health and the environment.
10 CSR 20-9.010 - Wastewater Treatment Systems Operation Scope Monitoring	2/28/2019	Yes	No	No	No	Yes	Yes*	No
								"This rule establishes minimum requirements for operational monitoring for wastewater treatment systems, some of which may be operated by certified operators who own or are employed by small contract operations companies.
10 CSR 20-9.020 - Classification of Wastewater Treatment Systems	2/28/2019	Yes	No	No	No	Yes	Yes*	No
								"This rule outlines the requirements for wastewater systems to be operated by certified operators. Facility administrators may choose to hire certified operators through small businesses that specialize in contract operations.
10 CSR 20-9.030 - Certification of Wastewater Operators	2/28/2019	Yes	No	No	No	Yes	Yes*	No
								"This rule sets out the requirements that a person must meet to obtain a wastewater operator certification. The requirements for certification are necessary to support 9.010 and 9.020.
10 CSR 20-9.040 - Renewal Training	3/1/1992	Yes	No	No	No	Yes	Yes*	No
								"This rule establishes criteria for approval of renewal training courses. Certified operators are required to meet minimum training amounts to renew their certificates. There are many small businesses that provide training for certified operators.
10 CSR 20-14.010 - Classification of Concentrated Animal Feeding Operation Waste Management Systems	2/28/2019	Yes	No	No	No	Yes	Yes*	Yes**
								"This rule establishes requirements for certain CAFOs to be operated by certified personnel and includes definitions to ensure protection of human health and the environment. Small businesses may be haulers/disposers of waste, or operators of CAFOs. **See attachment
10 CSR 20-14.020 - Certification of Concentrated Animal Feeding Operation Waste Management System Operators	2/28/2019	Yes	No	No	No	Yes	Yes*	Yes**
								"This rule sets out the requirements that a person must meet to become certified. The certification is required for Class IA facilities, but employees of small CAFOs may voluntarily go through the certification process and is needed to ensure protection of human health and the environment. **See attachment
10 CSR 20-14.030 - Operator Training	7/30/2001	Yes	No	No	No	Yes	Yes*	Yes**
								"This rule establishes criteria for operator certification training courses. There are small businesses that provide training courses. **See attachment

Comments received for rules found in 10 CSR 20

10 CSR 20-6.300 - Concentrated Animal Feeding Operations

Nature of comments received:

The Missouri Department of Natural Resources (MoDNR) received 255 comments, all very similar using a form letter from the Sierra Club. There was also one letter received that went into more detail regarding 6.300; however, it covered topics similar to the other comments received. A summary of those comments follows:

- **Waste Tracking** – Records for tracking animal waste that is transferred to third party recipients of exported waste are not publicly available. As a result, CAFO waste may be applied to land in unknown locations and in unknown quantities and frequencies across Missouri.
- **Class II AFOs** – Class II AFOs should be registered with the state so MoDNR can evaluate whether an AFO should be regulated as a CAFO before there is a water quality violation.
- **Nutrient Management Plans (NMP)** – Class II AFOs and third party recipients should be required and accountable to follow a Nutrient Management Plan to effectively manage the land application of animal waste without negatively impacting water quality.

MoDNR's Response:

- **Waste tracking** - Facilities must maintain these records and provide them to MoDNR upon request. Any of these records provided to MoDNR are publically available. MoDNR does not track these or store these in a special area. They may be part of the inspection record, when requested or retained. The suggestion provided in this comment appears to suggest a change to MoDNR's tracking, retention, and records request process. This change would not require a rulemaking effort and as such no rule change is proposed in response to this comment.
- **Class II AFOs** – The CAFO statutes, established by the Missouri Legislature, clearly establish MoDNR's authority and its boundaries. MoDNR has authority to regulate Class I facilities and those definitions are also established in the statute. That 'authority to regulate' includes establishment, permitting, design, construction, and operation of regulated Class I CAFOs. The authority for MoDNR to require registration or permitting for Class II facilities (other than those that have discharged and impacted waters of the state) would need to be established first in statute and then could be implemented by MoDNR through rules.
- **Nutrient Management Plans** – The CAFO statutes, established by the Missouri Legislature, clearly establish MoDNR's authority and its boundaries. MoDNR only has authority to regulate Class I facilities and those definitions are also established in the statute. Class II AFOs (unless discharging) are beyond the purview of the state statutory authority. Further, when CAFO operators export manure, the recipients of manure are to use the manure as a fertilizer. The use of the fertilizer are based on crop needs, site-specific conditions, land

application practices and other factors under the control of the manure recipient, not the CAFO operator; this distinction is similar to farmers' use of commercial fertilizers, where fertilizer companies are not held responsible for overuse or misuse of their product by farmers. MoDNR has authority to address and respond to impacts from direct runoff from land application fields.

10 CSR 20-7.031 - Water Quality Standards

Nature of comments received:

The Missouri Department of Natural Resources (MoDNR) received 160 comments, all very similar using a form letter from the Sierra Club. A summary of those comments follows:

- Polluters should not be allowed any acceptable occurrences of toxic discharge levels of ammonia. The rule change allowing pollution events once every three years is scientifically unfounded and unacceptable. One incident exceeding nutrient criteria is deadly.
- MoDNR should act on the stronger ammonia criteria developed in 2013 using studies conducted in Missouri.

MoDNR's Response:

MoDNR is not adopting the national recommended 2013 Ammonia Criteria at this time; however, we will continue to review the appropriateness of this water quality criteria, and other national recommended criteria.

10 CSR 20-8.300 - Design of Concentrated Animal Feeding Operations

Nature of comments received:

The Missouri Department of Natural Resources (MoDNR) received 254 specific comments, all using a form letter supplied by the Sierra Club. A summary of those comments follows:

- **Permit Applications** – DNR should evaluate permit applications to properly account for environmental conditions (soils, groundwater, etc.) and avoid risk of pollution to the waters of the state and the neighboring community, rather than relying on third-party engineers. There should be public disclosure of relevant site inspection documents including but not limited to hydrogeological investigation and operation and maintenance plans.
- **Hydrogeological Investigations** - The Missouri Geological Survey should be involved in siting decisions based on hydrogeological investigations and design groundwater monitoring systems when there is significant risk to the groundwater. If it is determined that there is not significant risk to the groundwater, the DNR should publicly disclose the justification for that conclusion.

- **Mortality Management** - Since the Missouri Department of Agriculture is largely responsible for mortality management, this rule should reference the appropriate materials for animal mortality disposal, including mass mortality events such as those brought on by the COVID-19 pandemic.

MoDNR's Response:

- **Permit Applications** – Regulations in 10 CSR 20-6.300 and 10 CSR 20-8.300 require wastewater systems at CAFOs to be designed, constructed, operated, and maintained as no-discharge facilities for the protection of groundwater and surface water. The no-discharge requirement is the most restrictive effluent limitation that can be required of a permitted facility and is protective of Water Quality Standards. A detailed review of construction permit applications is performed for a new or expanding Class I CAFO for the construction or major modification of an earthen storage structure to hold, convey, contain, store, or treat domestic, agricultural, or industrial process wastewater. All other industrial construction activities are exempt from construction permitting requirements. The operating permit writer reviewing an application can request engineering documents. All construction activities designed to hold, convey, contain, store, or treat domestic; agricultural; or industrial process waste shall be designed by a professional engineer registered in Missouri in accordance with 10 CSR 20-8.300 and constructed according to the design plans. 20 CSR 2030-2.010 establishes a professional code of conduct for professional engineers. Among other things, it requires licensees to recognize that their primary obligation is to protect the safety, health, property, or welfare of the public and only provide engineering services in the specific technical area for which they are qualified. The Professional Engineer is responsible for adherence to applicable published guidelines. Chapter 610 RSMo states that records of public governmental bodies are open to the public unless otherwise provided by law. Open records requests should be submitted to MoDNR's Custodian of Record.
- **Hydrogeological Investigations** – MoDNR has the ability to request site-specific input from the Missouri Geological Survey where CAFO facilities are located in a hydrologically sensitive area where the groundwater may be compromised. The Missouri Geological Survey may determine whether groundwater monitoring is necessary based on potential to contaminate a drinking water aquifer. Geohydrologic considerations are part of the design process.
- **Mortality Management** – Mass mortality response and management is regulated by the Missouri Department of Agriculture under Chapter 269 Revised Statutes of Missouri. As such, the CAFO rules do not need to duplicate these citations and doing so would not change, add, or amend any actual requirements. Further, MoDNR does not have the authority to implement, interpret, or initiate enforcement actions for non-compliance with another agency's regulations. Should MoDNR staff note violations of the mass mortality regulations, those issues would be referred to the Missouri Department of Agriculture. A reference to these rules could be provided in the fact sheet of CAFO permits simply to provide compliance assistance, not an enforceable requirement.
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10 CSR 20-14.010 - Classification of Concentrated Animal Feeding Operation Waste Management Systems; 10 CSR 20-14.020 - Certification of Concentrated Animal Feeding Operation Waste Management System Operators; and 10 CSR 20-14.030 - Operator Training.

Nature of comments received:

MoDNR received three comments to each of these rules, all using a form letter regarding the hauling of waste from CAFOs, and the responsibility of CAFO operators to track where the hauler is taking the waste and what they are doing with it.

MoDNR's Response:

Nothing in 10 CSR 20 Chapter 14 or 644.026 RSMo specifically relates to hauling and disposal of waste from a CAFO.

Missouri Department of Natural Resources Rule Review

2021

Dam and Reservoir Safety and Council

Number of Rules Reviewed	Date of Adoption or Last Amendment	Dam and Reservoir Safety and Council							Comments received?	Department Comments
		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.		
15										
10 CSR 22-1.020 - Definitions	2/28/2019	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo.
10 CSR 22-2.010 - Who Needs a Permit	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*Public safety justifies continued existence. All owners of dams over 35 feet in height require a permit. Some dam owners may be small business owners.
10 CSR 22-2.020 - Types of Permits	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*Public safety justifies continued existence. All owners of dams over 35 feet in height require a permit. Some dam owners may be small business owners.
10 CSR 22-2.030 - Types of Dams and Reservoirs	1/1/1985	Yes	No	No	No	No	N/A	Yes*	No	*Public safety justifies continued existence. All owners of dams over 35 feet in height require a permit. Some dam owners may be small business owners.
10 CSR 22-2.040 - Classes of Downstream Environment	1/1/1985	Yes	No	No	No	No	N/A	Yes*	No	*Public safety justifies continued existence. All owners of dams over 35 feet in height require a permit. Some dam owners may be small business owners.
10 CSR 22-2.050 - Issuing First Permit	1/1/1985	Yes	No	No	No	No	N/A	Yes*	No	*Public safety justifies continued existence. All owners of dams over 35 feet in height require a permit. Some dam owners may be small business owners.
10 CSR 22-2.080 - Revoking Permit	1/1/1985	Yes	No	No	No	No	N/A	Yes*	No	*Public safety justifies continued existence. All owners of dams over 35 feet in height require a permit. Some dam owners may be small business owners.
10 CSR 22-2.090 - Transferring Permit	1/1/1985	Yes	No	No	No	No	N/A	Yes*	No	*Public safety justifies continued existence. All owners of dams over 35 feet in height require a permit. Some dam owners may be small business owners.
10 CSR 22-2.100 - Appeal of Action on Permits	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*Public safety justifies continued existence. All owners of dams over 35 feet in height require a permit. Some dam owners may be small business owners.
10 CSR 22-3.010 - General Information	8/13/1981	Yes	No	No	No	No	Yes	Yes*	No	*Public safety justifies continued existence. All owners of dams over 35 feet in height require a permit. Some dam owners may be small business owners.
10 CSR 22-3.020 - General Requirements	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*Public safety justifies continued existence. All owners of dams over 35 feet in height require a permit. Some dam owners may be small business owners.
10 CSR 22-3.030 - Registration Permit Requirements	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*Public safety justifies continued existence. All owners of dams over 35 feet in height require a permit. Some dam owners may be small business owners.
10 CSR 22-3.040 - Construction Permit Requirements	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*Public safety justifies continued existence. All owners of dams over 35 feet in height require a permit. Some dam owners may be small business owners.
10 CSR 22-3.050 - Safety Permit Requirements	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*Public safety justifies continued existence. All owners of dams over 35 feet in height require a permit. Some dam owners may be small business owners.
10 CSR 22-4.020 - Enforcement Orders and Enforcement Procedures	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*Public safety justifies continued existence. All owners of dams over 35 feet in height require a permit. Some dam owners may be small business owners.

Missouri Department of Natural Resources Rule Review

2021

Well Installation

1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department Comments
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Number of Rules Reviewed	Date of Adoption or Last Amendment	Well Installation							Comments received?	Department Comments
		1	2	3	4	5	6	7		
29										
10 CSR 23-1.010 - Definitions	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary as it defines key words used throughout the rule which allows for consistent application of the rule to the public, industry members and department staff.
10 CSR 23-1.040 - Variances	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary as it outlines the process by which industry members apply for and receive variances to regulatory requirements outlined in rule.
10 CSR 23-1.050 - Permittee Qualifications, Testing Procedures, and Permit Application	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary as it requires members of the drilling industry to demonstrate a level of competency and assurance for well construction in the State.
10 CSR 23-1.075 - Disciplinary Action	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to outline a consistent enforcement process carried out by the department when violations are identified.
10 CSR 23-1.090 - Permits	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to identify permit classes and types necessary to perform specific well construction activities in the state.
10 CSR 23-1.105 - Permit Renewal	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary as it outlines the process by which permits are renewed.
10 CSR 23-1.140 - Vehicle and Machine Registration	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary as it outlines the registration process and requirements regarding drilling vehicles and machines.
10 CSR 23-1.160 - Mail and Notification Procedures	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary as it informs permittees of notification procedures so that the department may update records with accurate contact information.
10 CSR 23-2.010 - Fee Structure	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary as it outlines the permitting, certification and registration fees approved by the Well Installation Board which fund the program.
10 CSR 23-2.020 - Certification and Registration	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary as it outlines and clarifies expectations for submittal of certification and registration reports required by statute.
10 CSR 23-3.010 - Location of Wells	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary as it outlines setting/location requirements including setback distances from known or potential contaminant sources for water wells across the state.
10 CSR 23-3.020 - General Protection of Groundwater Quality and Resources	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary as it includes general requirements regarding construction, conversion and maintenance of wells which ensure the protection of groundwater resources.
10 CSR 23-3.030 - Standards for Construction of Wells	2/28/2019	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **This rule is necessary as it describes the minimum construction requirements for water wells including casing and grouting material quality and installation requirements.
10 CSR 23-3.050 - Pump Installation and Wellhead Completion	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary as it outlines well head completion and pump installation requirements which prevent contaminates from entering the well from the surface.
10 CSR 23-3.080 - Liners	2/28/2019	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **This rule is necessary it sets expectations on when a liner may be used and establishes minimum liner and grout requirements. *The current rule does not properly include publisher, address and date of reference material regarding ASTM standards for water well liners, does not specify how a copy of the material may be obtained or if there are any amendments or additions.

Missouri Department of Natural Resources Rule Review

2021

Well Installation

Number of Rules Reviewed	Date of Adoption or Last Amendment	Well Installation							Comments received?	Department Comments
		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.		
29										
10 CSR 23-3.090 - Drilling Areas	2/28/2019	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo.
10 CSR 23-3.110 - Plugging of Water Wells	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary as it describes when and by whom a water well must be plugged and also includes general and specific plugging requirements based on well type and condition.
10 CSR 23-4.050 - General Protection of Groundwater Quality and Resources	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary as it sets requirements on monitoring well conversion and construction to prevent cross aquifer mixing/contamination.
10 CSR 23-4.060 - Construction Standards for Monitoring Wells	2/28/2019	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **This rule is necessary as it outlines requirements for monitoring well construction and grouting materials/methods as well as completion details. The current rule does not properly include publisher, address and date of reference material regarding ASTM standards for monitoring well riser pipe and screens, does not specify how a copy of the material may be obtained or if there are any amendments or additions.
10 CSR 23-4.080 - Plugging of Monitoring Wells	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary as it details methods and materials that maybe used to effectively plug monitoring wells.
10 CSR 23-5.030 - General Protection of Groundwater Quality and Resources	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary as it sets requirements for repurposing heat pump wells and stipulations for annual seal integrity.
10 CSR 23-5.040 - Location of Heat Pump Wells	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary as it outlines requirements for the placement of heat pump wells around the state to include set-back requirements from potential contaminant sources.
10 CSR 23-5.050 - Construction Standards for Closed-Loop Heat Pump Wells	2/28/2019	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **This rule is necessary as it outlines requirements for closed-loop heat pump well construction and grouting materials/methods. The current rule does not properly include publisher, address and date of reference material regarding ASTM standards for heat exchange loop material in geothermal wells, does not specify how a copy of the material may be obtained or if there are any amendments or additions.
10 CSR 23-5.060 - Construction Standards for Open-Loop Heat Pump Systems	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary as it outlines construction requirements for open-loop heat pump wells.
10 CSR 23-5.080 - Plugging of Heat Pump Wells	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary as it outlines plugging requirements including methods and materials that may be used.
10 CSR 23-6.020 - General Protection of Groundwater Quality and Resources	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary as it outlines requirements for repurposing of test holes and general construction requirements to prevent contaminates from entering an aquifer.

Missouri Department of Natural Resources Rule Review

2021

Well Installation

1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department Comments
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Number of Rules Reviewed	Date of Adoption or Last Amendment	10 CSR 23-6.030 - Location of Test Holes	10 CSR 23-6.040 - Construction Standards for Test Holes	10 CSR 23-6.050 - Plugging of Test Holes	Comments
29					
10 CSR 23-6.030 - Location of Test Holes	2/28/2019	Yes	No	No	No
10 CSR 23-6.040 - Construction Standards for Test Holes	2/28/2019	Yes	No	No	No
10 CSR 23-6.050 - Plugging of Test Holes	2/28/2019	Yes	No	No	No

*This rule is necessary as it lists location/setback requirements for test holes.

*This rule is necessary as it outlines construction requirements for test holes including casing and grout material and installation methods..

*This rule is necessary as it outlines plugging requirements for test holes as well as unique reporting requirements for certain test holes.

Missouri Department of Natural Resources Rule Review

2021

Hazardous Substance Emergency Response Office

1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?
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Department Comments

Number of Rules Reviewed	Date of Adoption or Last Amendment	1	2	3	4	5	6	7	Comments received?	Department Comments
10 CSR 24-1.010 Authority and Notification Procedures	12/30/2018	Yes	No	No	No	No	N/A	No	No	

Missouri Department of Natural Resources Rule Review

2021

Hazardous Waste Management Commission

Number of Rules Reviewed	Date of Adoption or Last Amendment	Hazardous Waste Management Commission							Comments received?	Department Comments
		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.		
20										
10 CSR 25-2.010 - Voting Procedures	3/30/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule furthers the public interest by requiring commissioners disclose conflicts of interests prior to any votes.
10 CSR 25-3.260 - Definitions, Modifications to Incorporations and Confidential Business Information	3/30/2010	Yes	No	No	No	No	Yes	Yes*	No	*This rule is necessary to protect human health and the environment and for the state to remain the primary enforcement authority in Missouri of the corresponding federal rule rather than the EPA.
10 CSR 25-4.261 - Methods for Identifying Hazardous Waste	3/30/2019	Yes	No	Yes*	No	No	Yes	Yes**	No	*Incorporates federal rule by reference **This rule is necessary to protect human health and the environment and for the state to remain the primary enforcement authority in Missouri of the corresponding federal rule rather than the EPA.
10 CSR 25-5.262 - Standards Applicable to Generators of Hazardous Waste	3/30/2019	Yes	No	Yes*	No	No	Yes	Yes**	No	*Incorporates federal rule by reference **This rule is necessary to protect human health and the environment and for the state to remain the primary enforcement authority in Missouri of the corresponding federal rule rather than the EPA.
10 CSR 25-6.263 - Standards for Transporters of Hazardous Waste	3/30/2019	Yes	No	Yes*	No	No	Yes	Yes**	No	*Incorporates federal rule by reference **This rule is necessary to protect human health and the environment and for the state to remain the primary enforcement authority in Missouri of the corresponding federal rule rather than the EPA.
10 CSR 25-7.264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	3/30/2019	Yes	No	Yes*	No	No	Yes	Yes**	No	*Incorporates federal rule by reference **This rule is necessary to protect human health and the environment and for the state to remain the primary enforcement authority in Missouri of the corresponding federal rule rather than the EPA.
10 CSR 25-7.265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	3/30/2019	Yes	No	Yes*	No	No	Yes	Yes**	No	*Incorporates federal rule by reference **This rule is necessary to protect human health and the environment and for the state to remain the primary enforcement authority in Missouri of the corresponding federal rule rather than the EPA.
10 CSR 25-7.266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities	3/30/2019	Yes	No	Yes*	No	No	Yes	Yes**	No	*Incorporates federal rule by reference **This rule is necessary to protect human health and the environment and for the state to remain the primary enforcement authority in Missouri of the corresponding federal rule rather than the EPA.
10 CSR 25-7.268 - Land Disposal Restrictions	12/30/2015	Yes	No	Yes*	No	No	Yes	Yes**	No	*Incorporates federal rule by reference **This rule is necessary to protect human health and the environment and for the state to remain the primary enforcement authority in Missouri of the corresponding federal rule rather than the EPA.
10 CSR 25-7.270 - Missouri Administered Permit Programs: The Hazardous Waste Permit Program	3/30/2019	Yes	No	Yes*	No	No	Yes	Yes**	No	*Incorporates federal rule by reference **This rule is necessary to protect human health and the environment and for the state to remain the primary enforcement authority in Missouri of the corresponding federal rule rather than the EPA.

Missouri Department of Natural Resources Rule Review

2021

Hazardous Waste Management Commission

Number of Rules Reviewed	Date of Adoption or Last Amendment	Hazardous Waste Management Commission							Comments received?	Department Comments
		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.		
20										
10 CSR 25-8.124 - Procedures for Decision Making	3/30/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule describes the timeframes and other aspects related to the Department's decision-making process. Additionally, it describes the process for parties to challenge such decisions.
10 CSR 25-11.279 - Recycled Used Oil Management Standards	3/30/2019	Yes	No	No	No	No	Yes	Yes*	No	*This rule is necessary to provide regulatory flexibility for the management of used oil while still protecting the public from improper handling/disposal.
10 CSR 25-12.010 - Fees and Taxes	11/30/2020	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to implement statutory fees and cost recover that are used to offset the Department's expenditures for operating the state program.
10 CSR 25-12.020 - Hazardous Waste Compliance Inspection Fees	12/10/1996	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to implement statutory fees and cost recover that are used to offset the Department's expenditures for operating the state program.
10 CSR 25-13.010 - Polychlorinated Biphenyls	3/30/2019	Yes*	No	No	No	No	Yes	N/A*	No	*There are currently no "PCB facilities" in Missouri, and the Department.
10 CSR 25-14.010 - Administrative Penalty Assessment	11/30/1999	Yes	No	No	No	No	N/A	Yes*	No	*This rule provides transparency to the public and businesses for how the Department will assess administrative penalties when necessary.
10 CSR 25-15.010 - Hazardous Substance Environmental Remediation (Voluntary Cleanup Program)	3/30/2019	Yes	No	No	No	No	N/A	N/A*	No	*This rule provides members of the public and businesses a voluntary process and framework for Department oversight of cleanups. These cleanups protect human health and the environment and enable the productive reuse of properties.
10 CSR 25-16.273 - Standards for Universal Waste Management	3/30/2019	Yes	No	Yes*	No	Yes*	Yes	Yes***	No	*Incorporates federal rule by reference ***This rule is necessary to protect human health and the environment and for the state to remain the primary enforcement authority in Missouri of the corresponding federal rule rather than the EPA.
10 CSR 25-18.010 - Risk-Based Corrective Action Process	10/30/2009	Yes	No	No	Yes*	No	Yes	Yes **	No	*Some of the numerical standards in the rule could be lowered, if the latest updates to current guidance are incorporated into the current rule. Other numerical standards could become more stringent as part of the same update. **The rule is currently only used in the Brownfields/Voluntary Cleanup Program, so use of the rule is voluntary. The public purpose for the rule continues in that use of risk-based standards provides a faster, less costly option for remediation of contamination that takes into account actual risk based on site-specific conditions. Without the rule, cleanups could take longer and be more expensive.
10 CSR 25-19.010 - Electronics Scrap Management	11/30/2018	No	No	No	No	No	Yes	N/A	No	

Missouri Department of Natural Resources Rule Review

2021

Petroleum and Hazardous Substance Storage Tanks

1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department Comments
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Number of Rules Reviewed 69	Date of Adoption or Last Amendment	10 CSR 26-2.010 - Applicability	5/30/2017	Yes	No	No	No	N/A	No	No	Note: All rules in Title 10, Division 26 are required in order to maintain approval by EPA of Missouri's UST program. Each of these rules has been reviewed as part of the federal state program approval process within the past 10 years, and most recently in calendar year 2020, so rules are up to date with current federal regulations. In most cases, the department's ability to amend rules is limited by the applicable federal standards found in 40 CFR part 280, Technical Requirements for Underground Storage Tanks. In a few instances within specific rules, department stakeholders have expressed preference for state standards that go beyond what is in the corresponding federal regulations. In other areas, with EPA's approval, Missouri regulations differ from the federal regulations in a way that could be considered less stringent, but the program as a whole is considered equivalent because rules in other areas are more stringent and offer equivalent protection in that way. Additional information on the relationship between state regulations and federal regulations can be found in Missouri's 2018 State Program Approval (SPA) application.
10 CSR 26-2.011 - Installation Requirements for Partially Excluded Underground Storage Tank Systems	5/30/2017	Yes		No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.012 - Definitions	5/30/2017	Yes		No	No	No	No	N/A	No	No	
10 CSR 26-2.013 - UST Systems with Field Constructed Tanks and Airport Hydrant Fuel Distribution Systems	5/30/2017	Yes		No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.019 - New Installation Requirements	5/30/2017	Yes		No	No	No	No	Yes	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.020 - Performance Standards for New Underground Storage Tank Systems	5/30/2017	Yes		No	No	No	No	Yes	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.021 - Upgraded Underground Storage Tank Systems	5/30/2017	Yes		No	No	No	No	Yes	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.022 - Notification Requirements	5/30/2017	Yes		No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.030 - Spill and Overfill Control for In-Use Underground Storage Tank Systems	5/30/2017	Yes		No	No	Yes*	No	Yes	Yes*	No	*Department staff are currently working with a site to assist in application of the secondary containment requirements in this rule.
10 CSR 26-2.031 - Operation and Maintenance of Corrosion Protection	5/30/2017	Yes		No	No	No	No	Yes	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.032 - Compatibility	5/30/2017	Yes		No	No	No	No	Yes	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.

Missouri Department of Natural Resources Rule Review

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Petroleum and Hazardous Substance Storage Tanks

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10 CSR 26-2.033 - Repairs Allowed	5/30/2017	Yes	No	No	No	No	Yes	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.034 - Reporting and Record Keeping	5/30/2017	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.035 - Testing of Containment Sumps	5/30/2017	Yes	No	No	No	No	Yes	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.036 - Operation and Maintenance Walkthrough Inspections	5/30/2017	Yes	No	No	No	No	Yes	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.040 General Requirements for Release Detection for All In-Use Underground Storage Tank Systems	5/30/2017	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.041 - Requirements for Petroleum Underground Storage Tank Systems	5/30/2017	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.042 - Requirements for Hazardous Substance Underground Storage Tank Systems	5/30/2017	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.043 - Methods of Release Detection for Tanks	5/30/2017	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.044 - Methods of Release Detection for Piping	5/30/2017	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.046 - Alternative Methods of Release Detection for Field Constructed Tanks	5/30/2017	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.047 - Alternative Methods of Release Detection for Bulk Underground Piping	5/30/2017	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.048 - Release Detection Record Keeping	5/30/2017	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.050 - Reporting of Suspected Releases	5/30/2017	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.

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Petroleum and Hazardous Substance Storage Tanks

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10 CSR 26-2.051 - Investigation Due to Off-Site Impacts	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.052 - Release Investigation and Confirmation Steps	5/30/2017	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.053 - Reporting and Cleanup of Spills and Overfills	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.060 - Taking USTs Out of Use	12/30/2011	Yes	No	No	No	No	No	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.061 - Permanent Closure and Changes in Service	12/30/2011	Yes	No	No	No	No	Yes	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.062 - Assessing the Site at Closure or Change in Service	2/28/2014	Yes	No	No	No	No	Yes	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.063 - Applicability to Previously Closed Underground Storage Tank Systems	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.064 - Closure Records	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.070 - Release Response and Corrective Action	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.071 - Initial Release Response and Corrective Action	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.072 - Initial Abatement Measures and Investigation	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.074 - Initial Site Characterization	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.075 - Free-Product Removal	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.078 - Investigations for Soil and Groundwater Cleanup	2/28/2014	Yes	No	No	No	No	Yes	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.080 - Risk-Based Target Levels	12/30/2011	Yes	No	Yes*	No	No	N/A	Yes**	No	*While the rule as a whole is still needed and not obsolete, the rule does include an outdated template for a restrictive covenant that is no longer used, other authority found only in this rule continues to be necessary. **Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.

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Petroleum and Hazardous Substance Storage Tanks

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10 CSR 26-2.082 - Corrective Action Plan	2/28/2014	Yes	No	No	No	No	Yes	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-2.083 - Public Participation	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-3.090 - Applicability	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-3.092 - Definitions of Financial Responsibility Terms	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-3.093 - Amount and Scope of Required Financial Responsibility	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-3.094 - Allowable Mechanisms and Combinations of Mechanisms	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-3.095 - Financial Test of Self-Insurance	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-3.096 - Guarantee	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-3.097 - Insurance and Risk Retention Group Coverage	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-3.098 - Surety Bond	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-3.099 - Letter of Credit	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-3.101 - Petroleum Storage Tank Insurance Fund	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-3.102 - Trust Fund	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-3.103 - Standby Trust Fund	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-3.104 - Substitution of Financial Assurance Mechanisms by Owner or Operator	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.

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10 CSR 26-3.105 - Cancellation or Nonrenewal by a Provider of Financial Assurance	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-3.106 - Reporting by Owner or Operator	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-3.107 - Record Keeping	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-3.108 - Drawing on Financial Assurance Mechanisms	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-3.109 - Release From the Requirements	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-3.110 - Bankruptcy or Other Incapacity of Owner or Operator, or Provider of Financial Assurance	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-3.111 - Replenishment of Guarantees, Letters of Credit, or Surety Bonds	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-3.112 - Local Government Bond Rating Test	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-3.113 - Local Government Financial Test	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-3.114 - Local Government Guarantee	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-3.115 - Local Government Fund	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-4.080 - Administrative Penalty Assessment	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*Rule is required for federal approval of state UST program. The public purpose of the rule is to continue to allow MDNR to implement the UST program in lieu of EPA.
10 CSR 26-5.010 - Applicability and Definitions	12/30/2011	Yes	No	No	No	No	N/A	No	No	
10 CSR 26-5.020 - Release Reporting and Initial Release Response Measures	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*The public purpose for this rule is to establish procedures for reporting suspected releases of petroleum from aboveground storage tanks, and respond to those releases, in order to ensure that a release is properly investigated and cleaned up.
10 CSR 26-5.030 - Site Characterization and Corrective Action	12/30/2011	Yes	No	No	No	No	N/A	Yes*	No	*The public purpose for this rule is to establish procedures for reporting suspected releases of petroleum from aboveground storage tanks, and respond to those releases, in order to ensure that a release is properly investigated and cleaned up.

Missouri Department of Natural Resources Rule Review

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Missouri Mining Commission

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10 CSR 40-3.010 - Signs and Markers - General Requirements	10/30/2000	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment. This rule requires mine operators mark the different areas comprising an operation (i.e. active, buffer, and topsoil storage areas), which protects the public requiring these practices.
10 CSR 40-3.020 - Requirements for the Casing and Sealing of Drilled Holes	10/30/2000	Yes	No	No	No	No	N/A	Yes*	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.030 - Requirements for Topsoil Removal, Storage and Redistribution	4/30/1995	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.040 - Requirements for Protection of the Hydrologic Balance	7/30/2013	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.050 - Requirements for the Use of Explosives	10/30/2000	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.060 - Requirements for the Disposal of Excess Spoil	11/30/2018	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.070 - Requirements for the Protection of Underground Mining	2/11/1980	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.080 - Requirements for the Disposal of Coal Processing Waste	10/30/2000	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.090 - Requirements for the Protection of Air Resources	10/30/2000	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.100 - Requirements for the Protection of Fish, Wildlife and Related Environmental Values and Protection Against Slides and Other Damage	4/30/1995	Yes	No	No	No	No	Yes	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.

Missouri Department of Natural Resources Rule Review

2021

Missouri Mining Commission

Number of Rules Reviewed	Date of Adoption or Last Amendment	Missouri Mining Commission							Comments received?	Department Comments
		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.		
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10 CSR 40-3.110 - Backfilling and Grading Requirements	10/30/2000	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.120 - Revegetation Requirements	10/30/2000	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.130 - Postmining Land Use Requirements	1/15/1993	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.140 - Road and Other Transportation Requirements	10/30/2000	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.150 - Requirements for Coal Recovery, Land Reclamation and Cessation of Operations	2/11/1980	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.160 - Training, Examination and Certification of Blasters	8/25/1988	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-3.170 - Underground Operations	11/30/2018	Yes	No	No	No	No	Yes	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-4.010 - Coal Exploration Requirements	10/30/2000	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-4.020 - Auger Mining Requirements	11/30/2018	Yes	No	No	No	No	Yes	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-4.030 - Operations on Prime Farmland	10/30/2000	Yes	No	No	No	No	No**	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment. **The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo.

Missouri Department of Natural Resources Rule Review

2021

Missouri Mining Commission

Number of Rules Reviewed	Date of Adoption or Last Amendment	Missouri Mining Commission							Comments received?	Department Comments
		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.		
64										
10 CSR 40-4.040 - Operations on Steep Slopes	11/30/2018	Yes	No	No	No	No	Yes	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-4.050 - Requirements for Coal Processing Plants and Support Facilities Not Located at or Near the Mine Site or Not Within the Permit Area for a Mine	10/30/2000	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-4.060 - Concurrent Surface and Underground Mining	11/30/2018	Yes	No	No	No	No	Yes	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-4.070 - <i>In Situ</i> Processing	11/30/2018	Yes	No	No	No	No	Yes	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-4.080 - Previously Mined Areas	8/1/1989	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-5.010 - Prohibitions and Limitations on Mining in Certain Areas	1/30/2012	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-5.020 - State Designation of Areas as Unsuitable for Mining	1/30/2012	Yes	No	No	No	No	N/A	Yes*	No	*Although rarely, if ever, a factor in a permitting decision, this rule is necessary to protect human health and the environment by providing the Department with the authority to designate certain lands as unsuitable for mining.
10 CSR 40-6.010 - General Requirements for Permits, Permit Applications and Coal Exploration	10/30/2000	Yes	No	No	No	No	No**	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment. **The Department plans to evaluate and update the incorporations to reference to comply with Section 536.031, RSMo.
10 CSR 40-6.020 - General Requirements for Coal Exploration, Permits	7/30/2013	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-6.030 - Surface Mining Permit Applications - Minimum Requirements for Legal, Financial, Compliance, and Related Information	1/30/2014	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.

Missouri Department of Natural Resources Rule Review

2021

Missouri Mining Commission

Number of Rules Reviewed	Date of Adoption or Last Amendment	1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department Comments
64										
10 CSR 40-6.040 - Surface Mining Permit Applications - Minimum Requirements for Information on Environmental Resources	7/30/2013	Yes	No	No	No	No	No**	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment. **The Department plans to evaluate and update the incorporations to reference to comply with Section 536.031, RSMo.
10 CSR 40-6.050 - Surface Mining Permit Applications - Minimum Requirements for Reclamation and Operations Plan	7/30/2013	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-6.060 - Requirements for Permits for Special Categories of Surface Coal Mining and Reclamation Operations	7/30/2013	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-6.070 - Review, Public Participation and Approval of Permit Applications and Permit Terms and Conditions	1/30/2014	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-6.080 - Administrative and Judicial Review of Decisions on Permit Applications	2/11/1980	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-6.080 - Permit Reviews, Revisions and Renewals and Transfer, Sale and Assignment of Rights Granted Under Permits	10/30/2000	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-6.100 - Underground Mining Permit Applications	11/30/2018	Yes	No	No	No	No	Yes	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-7.011 - Bond Requirements	7/30/2006	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-7.021 - Duration and Release of Reclamation Liability	7/30/2006	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-7.031 - Permit Revocation, Bond Forfeiture and Authorization to Expend Reclamation Fund Monies	7/30/2006	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.

Missouri Department of Natural Resources Rule Review

2021

Missouri Mining Commission

Number of Rules Reviewed	Date of Adoption or Last Amendment	Missouri Mining Commission							Comments received?	Department Comments
		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.		
64										
10 CSR 40-7.041 - Form and Administration of the Coal Mine Land Reclamation Fund	7/30/2006	Yes*	No	No	No	No	N/A	No	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-7.050 - Requirements, Conditions and Terms of Liability Insurance	7/30/2013	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-8.010 - Definitions	7/30/2013	Yes	No	No	No	No	No**	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment. **The Department plans to evaluate and update the incorporations t reference to comply with Section 536.031, RSMo.
10 CSR 40-8.020 - Exemption for Coal Extraction Incident to Government-Financed Highway or Other Construction	7/30/2013	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-8.030 - Permanent Program Inspection and Enforcement	1/30/2014	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-8.040 - Penalty Assessment	1/30/2014	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-8.045 - Individual Civil Penalty Assessment to the Directors, Officers or Agents of a Corporation	8/1/1989	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-8.050 - Small Operators' Assistance	10/30/2000	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-8.060 - State Employees Financial Interest	8/1/1989	Yes*	No	No	No	No	N/A	No	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-8.070 - Applicability and General Requirements	7/30/2013	Yes*	No	No	No	No	N/A	No	No	*This rule is necessary to ensure the Department maintains the permitting authority over coal mining and reclamation in Missouri under the federal Surface Mining Reclamation Act and to protect human health and the environment.
10 CSR 40-9.010 - Abandoned Mine Reclamation Fund	11/30/2018	Yes	No	No	No	No	N/A	No	No	*Chapter 9 rules implement the state's abandoned mine lands program, enabling the state to receive federal assistance to complete reclamation on certain coal lands.
10 CSR 40-9.020 - Reclamation - General Requirements	11/30/2018	Yes	No	No	No	No	N/A	No	No	*Chapter 9 rules implement the state's abandoned mine lands program, enabling the state to receive federal assistance to complete reclamation on certain coal lands.

Missouri Department of Natural Resources Rule Review

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Missouri Mining Commission

Number of Rules Reviewed	Date of Adoption or Last Amendment	Missouri Mining Commission							Comments received?	Department Comments
		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.		
64										
10 CSR 40-9.030 - Rights of Entry	11/30/2018	Yes	No	No	No	No	N/A	No	No	*Chapter 9 rules implement the state's abandoned mine lands program, enabling the state to receive federal assistance to complete reclamation on certain coal lands.
10 CSR 40-9.040 - Acquisition of Land and Water for Reclamation	11/30/2018	Yes	No	No	No	No	Yes	No	No	*Chapter 9 rules implement the state's abandoned mine lands program, enabling the state to receive federal assistance to complete reclamation on certain coal lands.
10 CSR 40-9.050 - Management and Disposition of Land and Water	11/30/2018	Yes	No	No	No	No	N/A	No	No	*Chapter 9 rules implement the state's abandoned mine lands program, enabling the state to receive federal assistance to complete reclamation on certain coal lands.
10 CSR 40-9.060 - Reclamation on Private Lands	11/30/2018	Yes	No	No	No	No	N/A	No	No	*Chapter 9 rules implement the state's abandoned mine lands program, enabling the state to receive federal assistance to complete reclamation on certain coal lands.
10 CSR 40-10.010 - Permit Requirements for Industrial Mineral Operations	11/30/2018	Yes	No	No	No	No	N/A	Yes	No	This rule is necessary to ensure that industrial mineral mining operations do not adversely impact human health or the environment.
10 CSR 40-10.020 - Permit Application Requirements	2/29/2016	Yes	No	No	No	No	N/A	Yes	No	This rule is necessary to ensure that industrial mineral mining operations do not adversely impact human health or the environment.
10 CSR 40-10.030 - Bonding	11/30/2018	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to ensure that there is adequate financial assurance in place should the operator of mining operations not properly complete reclamation of land affected by mining.
10 CSR 40-10.040 - Permit Review Process	11/30/2018	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to describe the circumstances under which the Department may grant a variance from an otherwise applicable requirement
10 CSR 40-10.050 - Performance Requirements	8/30/2018	Yes	No	No	No	No	No**	Yes*	No	*This rule is necessary to ensure that the Department has enforceable performance standards for mining operations. **The Department plans to evaluate and update the incorporations t reference to comply with Section 536.031, RSMo.
10 CSR 40-10.070 - Enforcement	11/30/2018	Yes	No	No	No	No	N/A	Yes*	No	*This rule provides transparency in how the Department pursues enforcement actions and calculates penalties.
10 CSR 40-10.080 - Hearings and Informal Conferences	11/30/2018	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to enable the department to implement permitting activities.
10 CSR 40-10.100 - Definitions	11/30/2018	Yes	No	No	No	No	N/A	Yes*	No	*This rule provides definitions for various regulatory terms, ensuring the protection of human health and the environment while allowing for the extraction of industrial minerals.

Missouri Department of Natural Resources Rule Review

2021

Metallic Minerals Waste Management

Number of Rules Reviewed	Date of Adoption or Last Amendment	Metallic Minerals Waste Management							Comments received?	Department Comments
		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.		
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10 CSR 45-2.010 - Definitions	9/30/2000	Yes	No	No	No	No	N/A	Yes*	No	*This rule provides definitions for various regulatory terms, ensuring the protection of human health and the environment while allowing the extraction of metallic minerals.
10 CSR 45-3.010 - Administrative Penalty Assessments	11/30/2018	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary for the Department to be able to effectively and appropriately enforce the Metallic Minerals Waste Management Act to protect human health and the environment.
10 CSR 45-6.010 - Permit Applications - General	9/30/2000	Yes	No	No	No	No	N/A	Yes*	No	*This rule benefits the public by ensuring protective permits.
10 CSR 45-6.020 - Closure Plans and Inspection- Maintenance Plan-General Requirements	11/30/2018	Yes	No	No	No	No	N/A	Yes*	No	*This rule protects human health and the environment by ensuring that metallic mineral waste areas are properly closed and inspected.
10 CSR 45-6.030 - Financial Assurance-Company Guarantee and Financial Test	9/30/2000	Yes	No	No	No	No	N/A	Yes*	No	*This rule benefits the public by requiring that some financial resources exist to close waste areas if the operator fails to do so.
10 CSR 45-8.010 - General	11/30/2018	No*	No	Yes	No	No	N/A	No	No	*This rule contains no requirements or other enforceable aspects beyond those already in statute and regulation.
10 CSR 45-8.020 - Groundwater Protection	4/29/1991	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary for requiring applicants provide the Department adequate groundwater monitoring plans to protect human health and the environment.
10 CSR 45-8.030 - Metallic Minerals Waste Management Structures	11/30/2018	Yes	No	No	No	No	N/A	Yes*	No	*This rule ensures waste management structures are adequate to protect human health and the environment.
10 CSR 45-8.040 - Reclamation-Reuse	11/30/2018	Yes	No	No	No	No	N/A	Yes*	No	*This rule requires that the closure of metallic mineral waste areas eliminates the release of wastes to land, air, or water. This ensures the long-term protection of human health and the environment.

Missouri Department of Natural Resources Rule Review

2021

Oil and Gas Council

1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department Comments
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Number of Rules Reviewed	Date of Adoption or Last Amendment	Oil and Gas Council						
		1	2	3	4	5	6	7
21								
10 CSR 50-1.020 - General Procedures	2/28/20109	Yes	No	No	No	No	N/A	Yes
10 CSR 50-1.030 - Definitions	2/28/2019	Yes	No	No	No	No	N/A	Yes
10 CSR 50-1.040 - Enforcement Action and Appeal Procedures	3/30/2016	Yes	No	No	No	No	N/A	Yes
10 CSR 50-1.050 - Assessment of Costs	2/28/2019	Yes	No	No	No	No	N/A	Yes
10 CSR 50-2.010 - Operator License	2/28/2019	Yes	No	No	No	No	N/A	Yes
10 CSR 50-2.020 - Bonds	2/28/2019	Yes	No	No	No	No	N/A	Yes
10 CSR 50-2.030 - Application for Permit to Drill, Deepen, Plug-Back or Recomplete	2/28/2019	Yes	No	No	No	No	N/A	Yes
10 CSR 50-2.040 - Drilling and Completion	2/28/2019	Yes	No	No	No	No	N/A	Yes
10 CSR 50-2.050 - Samples, Logs, and Completion Reports	3/30/2016	Yes	No	No	No	No	N/A	Yes
10 CSR 50-2.055 - Injection Wells, Mechanical Integrity Testing, and Well Stimulation Treatment	2/28/2019	Yes	No	No	No	No	N/A	Yes
10 CSR 50-2.060 - Shut-In Wells, Plugging, and Conversion to Water Well	2/28/2019	Yes	No	No	No	No	N/A	Yes
10 CSR 50-2.065 - Operations	2/28/2019	Yes	No	No	No	No	N/A	Yes
10 CSR 50-2.080 - Record Retention and Reporting	2/28/2019	Yes	No	No	No	No	N/A	Yes
10 CSR 50-2.090 - Disposal of Fluids by Injection	2/28/2019	Yes	No	No	No	No	N/A	Yes
10 CSR 50-2.100 - Enhanced Recovery Projects	3/30/2016	Yes	No	No	No	No	N/A	Yes
10 CSR 50-2.120 - Gas Storage Operations	3/30/2016	Yes	No	No	No	No	N/A	Yes

Missouri Department of Natural Resources Rule Review

2021

Oil and Gas Council

1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department Comments
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Number of Rules Reviewed	Date of Adoption or Last Amendment	Oil and Gas Council						
		1	2	3	4	5	6	7
21								
10 CSR 50-3.010 - Spacing Units for Primary Production	3/30/2016	Yes	No	No	No	No	N/A	Yes
10 CSR 50-3.020 - Production Units and Well Spacing for Enhanced Recovery	3/30/2016	Yes	No	No	No	No	N/A	Yes
10 CSR 50-4.010 - Application for Authorization of a Pooling Unit for Primary Production	3/30/2016	Yes	No	No	No	No	N/A	Yes
10 CSR 50-4.020 - Application for Authorization of Unitization for Enhanced Recovery	3/30/2016	Yes	No	No	No	No	N/A	Yes
10 CSR 50-5.010 - Special Projects and Research Projects	3/30/2016	Yes	No	No	No	No	N/A	Yes

Missouri Department of Natural Resources Rule Review

2021

Safe Drinking Water Commission

Number of Rules Reviewed	Date of Adoption or Last Amendment	Review Criteria							Comments received?	Department Comments
		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.		
57	10 CSR 60-2.015 - Definitions	12/31/2018	Yes*	No*	No**	No***	No***	Yes	No	Yes - Bob Wilson, City Utilities City of Springfield, Missouri is requesting definitions of "The EPA has updated Chapter 40, part 141 of the Code of Federal construction, alteration, and extension be added to remove Department may need to update this rule to maintain primacy for the ambiguity about the meaning of Lead and Copper Rule these terms regarding the types "Rule only defines terms used in the Safe Drinking Water of activities that require written authorization from the Drinking Water Act. Department in accordance with "Adding definitions to this rule as the commentor requested would 10 CSR 60-3.010(1)(A) and its subparts.
	10 CSR 60-3.010 - Construction Authorization, Final Approval of Construction, Owner-Supervised Program and Permit to Dispense Water	2/28/2019	Yes*	No**	No	No***	Yes****	Yes	Yes*	Yes - Bob Wilson, City Utilities. *This rule sets criteria for obtaining construction authorization, final City of Springfield, Missouri is requesting that the exemptions to work requiring written authorization be more broadly defined in 10 CSR 60-3.010(4) to allow "like for like" replacement of equipment, facilities, piping, instrumentation, and other water system components as part of ongoing maintenance activities. **The rule establishes criteria for public water systems to obtain construction authorization, final construction approval, the permit to dispense water, and information on owner-supervised programs. ***Section (1) should be amended to specify that, although the Department requires two copies of the as-built plans with the affixed seal of the engineer, one copy may be electronic. Additionally, as the commentor requested, the Department will evaluate the rule to determine if revisions to the exemptions are needed. **The rule sets criteria a public water system must follow to obtain construction authorization, final construction approval, the permit to dispense water, and information on owner-supervised programs. ***The rule establishes criteria for public water systems to obtain construction authorization, etc., for a new or reconstructed system. Department requires two copies of the as-built plans with the affixed seal of the engineer, one copy may be electronic. Additionally, as the commentor requested, the Department will evaluate the rule to determine if revisions to the exemptions are needed. *Yes, however, the specific purpose of the rule is to ensure the prop construction of the public water system for the protection of public health and the protection of Missouri's groundwater.
	10 CSR 60-3.020 - Continuing Operating Authority	2/28/2019	Yes*	No**	Yes***	No****	No ^t	N/A	Yes ^s	No *The rule establishes the continuing operating authority (COA) for public water systems in Missouri. **The rule ensures the water systems continuing operating authority is dispensing safe and adequate supplies of drinking water to the public. ***This rule conflicts with 640.115.3, RSMo, which requires all systems to have a COA. ****The rule was promulgated to ensure the protection of the publics drinking water by requiring a COA that is responsible for operations of the public water supply system. ^t The rule only requires the public water system to designate a responsible party for the water system COA. ^s Yes, however, the specific purpose of the rule is to ensure that safe and adequate drinking water is provided for the protection of the publics health.
	10 CSR 60-3.030 - Technical, Managerial and Financial Capacity	2/28/2019	Yes*	No**	No	No	No**	N/A	Yes****	No *This rule establishes the minimum technical, managerial, and financial requirements for community and nontransient public water systems. **This rule requires a water system to certify it has the knowledge, tools, and resources necessary to ensure it provides safe and reliable drinking water to the public both now and in the future. ***The minimum requirements in the current rule ensure safe and reliable water to the public by the public water system. ****Yes, however, by ensuring the public water system has the knowledge, tools, and resources to provide safe and reliable water to the public, the rule will help the system achieve compliance with the Safe Drinking Water Act.

Missouri Department of Natural Resources Rule Review

2021

Safe Drinking Water Commission

1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department Comments
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Number of Rules Reviewed	Date of Adoption or Last Amendment	Safe Drinking Water Commission							Comments received?	Department Comments
		1	2	3	4	5	6	7		
57										
10 CSR 60-4.010 - Maximum Contaminant Levels and Monitoring Requirements.	1/30/2004	Yes*	No**	No***	No****	N/A	Yes ⁱ	No	*The rule establishes sampling and monitoring requirements for public water systems and criteria for significant deficiencies at surface water systems. **To maintain primacy, the State must promulgate rule language similar to that of the Environmental Protection Agency in the Code of Federal Regulations. Rules are amended on EPAs schedule. **The rule follows EPAs rules set forth in Chapter 40 part 141 of the Code of Federal Regulations. ****The rule was promulgated to maintain primacy from EPA and follows language in Chapter 40 part 141 of the Code of Federal Regulations. The rule protects public health and meets the statutory requirements of the Safe Drinking Water Act. ⁱ Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.	
10 CSR 60-4.022 - Revised Total Coliform Rule	2/28/2019	Yes*	No**	No***	No****	Yes	Yes ⁱ	No	*The rule establishes sampling and monitoring requirements for public water systems, sets monitoring and treatment techniques for seasonal systems, and regulates other requirements from the EPA. **The rule was amended in February of 2019 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and is based on the requirements in the Revised Total Coliform Rule language in subpart Y of Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is required for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. ⁱ Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.	
10 CSR 60-4.025 - Ground Water Rule Monitoring and Treatment Technique Requirements	2/28/2019	Yes*	No**	No***	No****	Yes	Yes ⁱ	No	*The rule establishes standards for public water systems using groundwater, including requirements for monitoring, treatment techniques, and corrective actions where significant deficiencies are found. **The rule was amended in February of 2019 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and is based on the requirements in the Revised Total Coliform Rule language in subpart S of Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is required by EPA for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. The rule was amended in February 2019. ⁱ Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.	

Missouri Department of Natural Resources Rule Review

2021

Safe Drinking Water Commission

Number of Rules Reviewed	Date of Adoption or Last Amendment	Review Criteria							Comments received?	Department Comments
		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.		
57	10 CSR 60-4.030 - Maximum Inorganic Chemical Contaminant Levels, Action Levels and Monitoring Requirements	11/30/2003	Yes*	No**	No***	No****	No	N/A	Yes [†]	No
										*The rule establishes maximum contaminant levels, action levels, and monitoring requirements for inorganic contaminants. **The rule was amended in November of 2003 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and is based on the requirements in Chapter 40 part 141 of the Code of Federal Regulations. ****The rule was promulgated to maintain primacy from EPA and is based on the language in Chapter 40 part 141 of the Code of Federal Regulations. †Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-4.040 - Maximum Synthetic Organic Chemical Contaminant Levels and Monitoring Requirements	11/30/2003	Yes*	No**	No***	No***	No****	N/A	Yes [†]	No	*The rule establishes maximum contaminant levels, action levels, and monitoring requirements for synthetic organic chemical contaminants. **The rule was amended in November of 2003 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the requirements in Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is required for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. †Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-4.050 - Maximum Turbidity Levels and Monitoring Requirements and Filter Backwash Recycling	2/28/2019	Yes*	No**	No***	No***	No****	N/A	Yes [†]	No	*The rule establishes maximum contaminant levels and monitoring requirements for turbidity. **The rule was amended in November of 2003 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the language requirements in Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is required for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. †Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-4.052 - Source Water Monitoring and Enhanced Treatment Requirements	2/28/2019	Yes*	No**	No***	No***	No****	N/A	Yes [†]	No	*The rule establishes source water monitoring requirements and enhanced treatment for Cryptosporidium for surface water systems and systems under the direct influence of surface water. **The rule was amended in February 2019 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the requirements in Subpart W of Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is required for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. †Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.

Missouri Department of Natural Resources Rule Review

2021

Safe Drinking Water Commission

Number of Rules Reviewed	Date of Adoption or Last Amendment	Review Criteria							Comments received?	Department Comments
		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.		
57 10 CSR 60-4.055 - Disinfection Requirements	2/28/2019	Yes*	No**	No***	No***	No****	Yes	Yes [†]	No	*The rule establishes minimum disinfectant levels and treatment requirements to assure the inactivation and removal of pathogenic organisms. **The rule was amended in February of 2019 to maintain primacy from (EPA) to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the requirements in Chapter 40 part 141 of the Code of Federal Regulations. ****The rule was amended in 2019 to retain primacy for regulating public water systems under the Safe Drinking Water Act. *Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-4.060 - Maximum Radionuclide Contaminant Levels and Monitoring Requirements	2/28/2019	Yes*	No**	No***	No***	No****	Yes	Yes [†]	No	*The rule establishes maximum contaminant levels, action levels, and monitoring requirements for radionuclides. **The rule was amended in February of 2019 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and is based on the requirements in Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is required by EPA for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. *Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-4.070 - Secondary Contaminant Levels and Monitoring Requirements	11/30/2003	Yes*	No**	No***	No***	No****	N/A	Yes [†]	No	*The rule establishes maximum contaminant levels, action levels, and monitoring requirements for secondary contaminants. **The rule was amended in November of 2003 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the requirements in Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is required by EPA for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. *Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-4.080 - Operational monitoring	2/28/2019	Yes*	No**	No***	No***	No****	Yes	Yes [†]	No	*The rule establishes criteria for operation and operational monitoring for public water systems. **The rule was amended in February of 2019 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the requirements in Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is required by EPA for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. *Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.

Missouri Department of Natural Resources Rule Review

2021

Safe Drinking Water Commission

Number of Rules Reviewed	Date of Adoption or Last Amendment	Safe Drinking Water Commission							Comments received?	Department Comments
		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.		
57	2/28/2019	Yes*	No**	No***	No***	No****	N/A	Yes [†]	No	*The rule establishes monitoring and other requirements for achieving compliance with maximum contaminant levels based on location running annual averages for certain disinfection byproducts. **The rule was amended in February of 2019 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and incorporates by reference the requirements in Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is required by EPA for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. *Yes, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-4.100 - Maximum Volatile Organic Chemical Contaminant Levels and Monitoring Requirements	2/28/2019	Yes*	No**	No***	No***	No****	N/A	Yes [†]	No	*The rule establishes maximum contaminant levels and monitoring requirements for volatile organic chemicals. **The rule was amended in February of 2019 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the requirements in Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is required by EPA for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. *Yes, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-5.010 - Acceptable and Alternate Procedures for Analysis	1/1/2022	Yes*	No**	No***	No***	No****	Yes	Yes [†]	No	*The rule provides the lists of manuals containing acceptable analysis procedures for determination of contaminant levels. **The rule was amended in 2021 and will be effective January 1, 2022 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and incorporates by reference the requirements of Chapter 40 part 141 and 143 of the Code of Federal Regulations. The EPA has updated Chapter 40, part 141 of the Code of Federal Regulations. These updates are effective 12/16/2021 and the Department may need to update this rule to maintain primacy for the Lead and Copper Rule. ****The rule is required by EPA for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. *Yes, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-5.020 - Laboratory Certification	1/1/2022	Yes*	No**	No***	No***	No****	N/A	Yes [†]	No	*The rule establishes that required analyses for public water systems must be performed by laboratories certified by the Department of Natural Resources. **The rule was amended in 2021 and will be effective January 1, 2022 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and based on the requirements in Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is required by EPA for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. *Yes, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.

Missouri Department of Natural Resources Rule Review

2021

Safe Drinking Water Commission

Number of Rules Reviewed	Date of Adoption or Last Amendment	Review Questions							Comments received?	Department Comments
		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.		
57	3/30/2000	Yes*	No**	No***	No***	No****	N/A	Yes [†]	No	*The rule establishes procedures and requirements for requesting and granting variances for any size public water system. **The rule was amended in March of 2000 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the requirements in Chapter 40 parts 141 and 142 of the Code of Federal Regulations. ****The rule is required by EPA for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. *Yes, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-6.020 - Procedures and Requirements for Exemptions	3/30/2000	Yes*	No**	No***	No***	No****	N/A	Yes [†]	No	*The rule establishes procedures and requirements for requesting exemptions to maximum contaminant levels and treatment techniques. **The rule was amended in March of 2000 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and is based on language in Chapter 40 part 141.4 and Chapter 40 part 142 of the Code of Federal Regulations. ****The rule is required by EPA for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. *Yes, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-6.030 - Schedules for Variances and Exemptions	3/30/2000	Yes*	No**	No***	No	No	N/A	Yes [†]	No	*The rule establishes compliance schedules with conditions of general variances granted to any size public water system and exemptions granted. **The rule was amended in March of 2000 to regulate public water systems for the protection of public health. ***The rule is based on requirements in Chapter 40 parts 141 and 142 of the Code of Federal Regulations and does not conflict with other rules. *Yes, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-6.040 - Public Hearings on Variance, Variance Schedules, Exemptions and Exemption Schedules	10/11/1981	Yes*	No**	No***	No****	No	N/A	Yes [†]	No	*The rule establishes requirements for public hearings on variances, exemptions, variance schedules, and exemption schedules. **The rule continues to assist in the regulation of public water systems for the protection of public health. ***The rule is based on requirements in Chapter 40 parts 141 and 142 of the Code of Federal Regulations and does not conflict with other rules. ****The rule was promulgated to protect public health therefore meeting the statutory requirements of the Safe Drinking Water Act. *Yes, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.

Missouri Department of Natural Resources Rule Review

2021

Safe Drinking Water Commission

Number of Rules Reviewed	Date of Adoption or Last Amendment	Safe Drinking Water Commission							Comments received?	Department Comments
		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.		
57 10 CSR 60-6.060 - Waivers From Baseline Monitoring Requirements	2/28/2019	Yes*	No**	No***	No****	No [†]	N/A	Yes [‡]	No	*The rule establishes waiver requirements from testing for asbestos, volatile organic chemicals, synthetic organic chemicals, and inorganic chemicals. **The rule continues to assist in the regulation of public water systems for the protection of public health. ***The rule is based on requirements in Chapter 40 parts 141 and 142 of the Code of Federal Regulations and does not conflict with other rules. ****The rule was amended in February of 2019, protects public health, and therefore meets the statutory requirements of the Safe Drinking Water Act. †The rule was promulgated to regulate public water systems under the Safe Drinking Water Act. The rule ensures public water systems in Missouri are providing safe drinking water to the public. *Yes, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-6.070 - Administrative Penalty Assessment	2/28/2019	Yes*	No**	No	No	No***	N/A	Yes [‡]	No	*The rule establishes the procedures for issuance of administrative orders and assessment of administrative penalties. **The rule continues to assist in the regulation of public water systems for the protection of public health. ***The rule was promulgated to give the Department authority to compel public water systems to comply with the Safe Drinking Water Law and regulations. This rule helps to ensure that public water systems in Missouri are providing safe drinking water to the public. This rule was amended in February of 2019. *Yes, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-7.010 - Reporting Requirements	2/28/2019	Yes*	No**	No***	No***	No***	N/A	Yes [‡]	No	*The rule establishes requirements for reports of water sample analyses and monitoring by public water systems. **The rule was amended in February 2019 to maintain primacy from EPA to regulate public water systems for the protection of public health. ***The rule was promulgated to maintain primacy from EPA and follows the requirements in subpart D and S of Chapter 40 part 141 of the Code of Federal Regulations. The rule is required by EPA for the State to maintain primacy. The EPA has updated Chapter 40, part 141 of the Code of Federal Regulations. These updates are effective 12/16/2021 and the Department may need to update the rule to maintain primacy for the Lead and Copper Rule. *Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-7.020 - Reporting Requirements for Lead and Copper Monitoring	5/30/2012	Yes*	No**	No***	No****	No	N/A	Yes [‡]	No	*The rule establishes requirements for reports of water sample analyses and monitoring for lead and copper by public water systems. **The rule was amended in 2012 to maintain primacy from EPA to regulate public water systems for the protection of public health. The EPA has updated Chapter 40, part 141 of the Code of Federal Regulations. These updates are effective 12/16/2021 and the Department may need to update the rule to maintain primacy for the Lead and Copper Rule. ***The rule was promulgated to maintain primacy from the EPA. ****The rule is based on the requirements in the Code of Federal Regulations. *Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public

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Safe Drinking Water Commission

Number of Rules Reviewed	Date of Adoption or Last Amendment	Review Criteria							Comments received?	Department Comments	
		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.			
57	10 CSR 60-8.010 - Public Notification of Conditions Affecting a Public Water Supply	3/30/2016	Yes*	No**	No***	No****	No	N/A	Yes [†]	No	*The rule establishes the timing, content, method, and other requirements for notifying the public of violations of the public drinking water rules, situations with potential to have adverse effects on human health. **The rule was amended in 2016 to maintain primacy from EPA to regulate public water systems for the protection of public health. †The rule was promulgated to maintain primacy from EPA and follows the requirements in Subpart Q of Chapter 40 part 141 of the Code of Federal Regulations. ****The rule follows the requirements in Subpart Q of Chapter 40 part 141 of the Code of Federal Regulations. *Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public. This includes notifying their customers if problems arise.
10 CSR 60-8.030 - Consumer Confidence Reports	10 CSR 60-8.030 - Consumer Confidence Reports	2/28/2019	Yes*	No**	No***	No****	No	N/A	Yes [†]	No	*The rule establishes the minimum requirements for the content of annual reports that community water systems must deliver to their customers. **The rule was amended in February of 2019 to maintain primacy from EPA to regulate public water systems for the protection of public health. †The rule was promulgated to maintain primacy from EPA and is based on the requirements in Subpart O of Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is based on the requirements in Subpart O of Chapter 40 part 141 of the Code of Federal Regulations. *Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-9.010 - Requirements for Maintaining Public Water System Records	10 CSR 60-9.010 - Requirements for Maintaining Public Water System Records	2/28/2019	Yes*	No**	No***	No****	No	N/A	Yes [†]	No	*The rule sets requirements for record maintenance for water suppliers at their premises for certain time periods. **The rule was amended in February of 2019 to maintain primacy from EPA to regulate public water systems for the protection of public health. †The rule was promulgated to maintain primacy from EPA and is based on the requirements in Subpart D of Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is based on the requirements in Subpart D of Chapter 40 part 141 of the Code of Federal Regulations. *Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-10.010 - Plans and Specifications	10 CSR 60-10.010 - Plans and Specifications	12/31/2018	Yes*	No**	No	No***	Yes****	N/A	Yes [†]	No	*The rule sets requirements for submission, review and approval of engineering reports, plans and specifications for community water supply planning and construction. **The rule requires the public water system to submit construction specifications for review by the department to ensure the system is properly constructed. †The rule was promulgated to protect public health. ****Subsection (5)(B) should be amended to specify that, although the Department requires two copies of the as-built plans with the affixed seal of the engineer, one copy may be electronic. *Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.

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Safe Drinking Water Commission

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57	10 CSR 60-10.020 - Siting Requirements	9/14/1979	Yes*	No**	No	No	No	N/A	Yes [†]	No	*The rule establishes requirements for siting a new or expanded water-system. **The rule requires the public water system be located on a site not within a certain distance from the floodplain or where it would be at a significant risk from certain disasters. ^Yes, protection of public health justifies continued existence.
	10 CSR 60-10.030 - Recreational Use of Public Water Supply Impoundments	9/14/1979	Yes*	No**	No	No	No	N/A	Yes [†]	No	*The rule establishes limitations on recreational use of water supply impoundments. **The rule limits the use of water supply impoundments for recreational use. ^Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
	10 CSR 60-10.040 - Prohibition of Lead Pipes, Lead Pipe Fittings and Lead Solder and Flux.	4/30/2002	Yes*	No**	No***	No****	No [†]	N/A	Yes ^{††}	No	*The rule protects public water systems and the customers connected to the public water systems from leaching of lead into the drinking water. **The rule was amended in 2002 to maintain primacy from EPA to regulate public water systems for the protection of public health. The Code of Federal Regulations was revised September 1, 2020, which may require the Department to revise this rule. **Rule was promulgated to maintain primacy from EPA and is based on the requirements in the Code of Federal Regulations. ****The rule is based on the requirements in the Code of Federal Regulations. ^Required by EPA to maintain primacy. ^Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
	10 CSR 60-11.010 - Prevention of Backflow	2/28/2019	Yes*	No	No	No	No	Yes	Yes ^{††}	No	*The rule establishes requirements for the protection of public water systems from introduction of contaminants by backflow. **Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
	10 CSR 60-11.030 - Backflow Prevention Assembly Tester Certification	2/28/2019	Yes*	No**	No	No***	No	Yes	Yes ^{†††}	No	*The rule establishes certification and recertification requirements for backflow prevention assembly tester training programs. **The rule sets requirements for the regulation of persons seeking certification as a backflow prevention assembly tester. **The rule was promulgated to protect public health therefore meeting the statutory requirements of the Safe Drinking Water Act. ****Yes, however, the specific purpose of the rule is to ensure persons are knowledgeable and properly certified as backflow prevention assembly testers. The rule also protects public health by ensuring public water systems provide safe and reliable drinking water to the public.
	10 CSR 60-12.010 - Emergency Operations Plan	9/14/1979	Yes*	No**	No	No	No	N/A	Yes ^{††††}	No	*The rule ensures that a supplier of water to a public water system implements an adequate plan for providing drinking water under emergency conditions. **The rule sets procedural requirements in the case of an emergency for public water systems. ^Yes, however, the rule protects public health by ensuring public water systems provide safe and reliable drinking water to the public.

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57										
10 CSR 60-13.010 - Grants for Public Water Supply Districts and Small Municipal Water Supply Systems	2/28/2019	Yes*	No	No	No	No	N/A	No	No	*This rule establishes the department's grant application procedure requirements and for construction of projects at public water supply districts and rural community water systems, and providing source water protection grants.
10 CSR 60-13.020 - Drinking Water State Revolving Fund Loan Program	2/28/2019	Yes*	No	No	No	No	N/A	No	No	*This rule sets forth eligibility and application requirements for applicants for loans from the Drinking Water Revolving Fund. The rule also established requirements for loan recipients.
10 CSR 60-13.025 - State Loan Program	2/28/2019	Yes*	No	No	No	No	N/A	No	No	*This rule establishes requirements for loans from state funding for financing construction improvements at public water systems.
10 CSR 60-13.030 - Environmental Review	2/28/2019	Yes*	No	No	No	No	N/A	No	No	*This rule establishes procedures and requirements for environmental reviews required for assistance from the Drinking Water State Revolving Fund Loan Program.
10 CSR 60-14.010 - Classification of Public Water Systems and System Requirements	2/28/2019	Yes*	No	No**	No	No	Yes	Yes***	No	*The rule determines the classification level of public water system treatment and distribution systems for the purpose of determining the certification level required for the chief operator. **The rule is based on the Safe Drinking Water Act. ***Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-14.020 - Certification of Public Water System Operators	12/30/2021	Yes*	No	No	No	No	Yes	Yes**	No	*The rules sets forth requirements for obtaining and renewing a water system treatment or distribution operator certificate, including experience, education, application, and examination requirements. **Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-14.030 - Operator Training	8/1/2001	Yes*	No	No	No	No	Yes	Yes**	No	*The rule establishes criteria for approval of training courses for certified operators. **Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-15.010 - General Requirements	5/30/2012	Yes*	No**	No***	No***	No****	N/A	Yes^	No	*The rule provides an overview of requirements covered in the National Primary Drinking Water Regulations for lead and copper. **The rule was amended in May 2012 to maintain primacy from EPA to regulate public water systems for the protection of public health. The EPA has updated Chapter 40, part 141 of the Code of Federal Regulations. These updates are effective 12/16/2021 and the Department will need to update the rule to maintain primacy. ***The rule was promulgated to maintain primacy from EPA and follows the language in Chapter 40 part 141 Subpart I of the Code of Federal Regulations. ****The rule is required by EPA for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. ^Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.

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Safe Drinking Water Commission

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Number of Rules Reviewed	Date of Adoption or Last Amendment	Safe Drinking Water Commission							Comments received?	Department Comments
		1	2	3	4	5	6	7		
57										
10 CSR 60-15.020 - Applicability of Corrosion Control Treatment Steps to Small, Medium-Size, and Large Water Systems	11/30/2019	Yes*	No**	No***	No***	No****	N/A	Yes [†]	No	*The rule establishes deadlines for public water systems to complete corrosion control treatment as required and to conduct associated monitoring. **The rule was amended in November 2019 to maintain primacy from EPA to regulate public water systems for the protection of public health. The EPA has updated Chapter 40, part 141 of the Code of Federal Regulations. These updates are effective 12/16/2021 and the Department will need to update this rule to maintain primacy. ***The rule was promulgated to maintain primacy from EPA and follows the language in Chapter 40 part 141 Subpart I of the Code of Federal Regulations. ****The rule is required or the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. †Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-15.030 - Description of Corrosion Control Treatment Requirements	4/30/2002	Yes*	No**	No***	No***	No****	N/A	Yes [†]	No	*The rule describes the corrosion control treatment requirements which are applicable to all water systems under the Safe Drinking Water Regulations. **The rule was amended in April 2002 to maintain primacy from EPA to regulate public water systems for the protection of public health. The EPA has updated Chapter 40, part 141 of the Code of Federal Regulations. These updates are effective 12/16/2021 and the Department will need to update the rule to maintain primacy. ***The rule was promulgated to maintain primacy from the EPA. ****The rule is required for the State of Missouri to retain primacy for regulating public water systems. †Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-15.040 - Source Water Treatment Requirements	5/30/2012	Yes*	No**	No***	No***	No****	N/A	Yes [†]	No	*The rule describes the required corrosion control treatment steps for a systems source water and establishes treatment requirement deadlines. **The rule was amended in May 2012 to maintain primacy from EPA to regulate public water systems for the protection of public health. The EPA has updated Chapter 40, part 141 of the Code of Federal Regulations. These updates are effective 12/16/2021 and the Department will need to update this rule to maintain primacy. ***The rule was promulgated to maintain primacy from EPA and follows the language in Chapter 40 part 141 Subpart I of the Code of Federal Regulations. ****The rule is required by EPA for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. †Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.

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Safe Drinking Water Commission

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Number of Rules Reviewed	Date of Adoption or Last Amendment	1	2	3	4	5	6	7	Comments received?	Department Comments
57										
10 CSR 60-15.050 - Lead Service Line Replacement Requirements	5/30/2012	Yes*	No**	No***	No***	No****	N/A	Yes [†]	No	The rule establishes requirements for the removal of lead service lines if lead action levels are exceeded and corrosion control efforts and source water treatment are unsuccessful in lowering the lead concentration levels in tap samples. **The rule was amended in May 2012 to maintain primacy from EPA to regulate public water systems for the protection of public health. The EPA has updated Chapter 40, part 141 of the Code of Federal Regulations. These updates are effective 12/16/2021 and the Department will need to update this rule to maintain primacy. ***The rule was promulgated to maintain primacy from EPA and follows the language in Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is required for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. †Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-15.060 - Public Education Requirements	5/30/2012	Yes*	No**	No***	No***	No****	N/A	Yes [†]	No	*The rule establishes the monitoring requirements that are applicable to lead and copper in drinking water. **Rule was amended in May 2012 to maintain primacy from EPA to regulate public water systems for the protection of public health. The EPA has updated Chapter 40, part 141 of the Code of Federal Regulations. These updates are effective 12/16/2021 and the Department will need to update this rule to maintain primacy. ***The rule was promulgated to maintain primacy from EPA and follows the language in Chapter 40 part 141 of the Code of Federal Regulations. ****The rule was amended in 2012 and is required for the State to retain primacy for regulating public water systems under the Safe Drinking Water Act. †The specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
10 CSR 60-15.070 - Monitoring Requirements for Lead and Copper in Tap Water	5/30/2012	Yes*	No**	No***	No***	No****	N/A	Yes [†]	No	*The rule establishes the monitoring requirements that are applicable to lead and copper in drinking water. **The rule was amended in May 2012 to maintain primacy from EPA to regulate public water systems for the protection of public health. The EPA has updated Chapter 40, part 141 of the Code of Federal Regulations. These updates are effective 12/16/2021 and the Department will need to update this rule to maintain primacy. ***The rule was promulgated to maintain primacy from EPA and follows the language in Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is required for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. †Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.

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57	10 CSR 60-15.080 - Monitoring Requirements for Water Quality Parameters	5/30/2012	Yes*	No**	No***	No***	No****	N/A	Yes [†]	No
										*The rule establishes the procedure and requirements for monitoring drinking water to determine how corrosive the water is to the distribution system. **The rule was amended in May 2012 to maintain primacy from EPA to regulate public water systems for the protection of public health. The EPA has updated Chapter 40, part 141 of the Code of Federal Regulations. These updates are effective 12/16/2021 and the Department will need to update this rule to maintain primacy. ***The rule was promulgated to maintain primacy from EPA and follows the language in Chapter 40 part 141 of the Code of Federal Regulations. ****Rule is required for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. [†] Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
5	10 CSR 60-15.090 - Monitoring Requirements for Lead and Copper in Source Water	5/30/2012	Yes*	No**	No***	No***	No****	N/A	Yes [†]	No
										*The rule establishes monitoring requirements for lead and copper in source waters. **Rule was amended in May 2012 to maintain primacy from EPA to regulate public water systems for the protection of public health. The EPA has updated Chapter 40, part 141 of the Code of Federal Regulations. These updates are effective 12/16/2021 and the Department will need to update this rule to maintain primacy. ***The rule was promulgated to maintain primacy from EPA and follows the language in Chapter 40 part 141 of the Code of Federal Regulations. ****The rule is required for the State of Missouri to retain primacy for regulating public water systems under the Safe Drinking Water Act. [†] Yes, however, the specific purpose of the rule is for the protection of public health by ensuring public water systems provide safe and reliable drinking water to the public.
1	10 CSR 60-16.010 - Levy and Collection of the Missouri Primacy Fee	1/1/2022	Yes*	No	No	No**	No***	N/A	Yes [†]	No
										*The rule levies and establishes the amount of the annual Missouri primacy fee and describes the method for billing, collection, and delinquent payment of the fee. **The rule was promulgated to maintain primacy from the EPA for the purpose of complying with the federal Safe Drinking Water Act. ***The rule was amended in 2021 to reflect the current primacy fee structure in the Missouri Safe Drinking Water Act. [†] The rule may affect small business; the fees are only applicable to community water systems however, those customers that may be connected to the system may be small businesses.
1	10 CSR 60-16.020 - Laboratory Certification Fee	1/1/2022	Yes*	No**	No	No***	No****	N/A	Yes [†]	No
										*The rule establishes fees for the certification of laboratories to conduct chemical testing of drinking water. **Missouri's Safe Drinking Water Law, Section 640.100.3, authorize the laboratory certification fee. ***The rule was promulgated to maintain primacy from EPA for the purpose of complying with the federal Safe Drinking Water Act. ****This rule was amended in 2021 pursuant to 640.100.5, RSMo. The amendment effective date is 1/1/2022. [†] The rule may affect small business. Labs are certified to analyze public drinking water samples for contaminants.

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Safe Drinking Water Commission

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		1	2	3	4	5	6	7		
57										
10 CSR 60-16.030 - Laboratory Services and Program Administration Fees	1/1/2022	Yes*	No**	No	No***	No***	N/A	Yes****	No	*The rule levies and sets the amount of the annual laboratory services and program administration fees and describes the method of remitting the fee to the Department. **Missouri's Safe Drinking Water Law, Section 640.100.3, authorize laboratory services and program administration fees. ***The rule was promulgated to maintain primacy from EPA for the purpose of complying with the federal Safe Drinking Water Act. ****The rule may affect small business, however, the fee required for lab services helps offset the cost of drinking water monitoring needs to determine the safety of water provided to the public.
10 CSR 60-16.040 - Operator Certification Fees	1/1/2022	Yes*	No	No	No	No	N/A	Yes**	No	*This rule sets forth the drinking water operator certification fee structure for activities under 10 CSR 60. **The rule may affect small business, however, the fees are necessary for the Department to implement the Missouri Safe Drinking Water Law and regulations.

**Missouri Department of Natural Resources Rule Review
2021**

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11										
10 CSR 70-2.010 - Conduct of Referendums	1/30/2019	Yes	No	No	No	No	N/A	No	No	
10 CSR 70-2.020 - Conduct of Supervisor Elections	1/30/2019	Yes	No	No	No	No	N/A	No	No	
10 CSR 70-3.010 - Formation of Soil and Water Conservation Subdistricts	1/30/2019	Yes	No	No	No	No	N/A	No	No	
10 CSR 70-4.010 - Definitions	1/30/2019	Yes	No	No	No	No	N/A	No	No	
10 CSR 70-5.010 - Allocation of Funds	1/30/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule relates to the state's cost share program, the public purpose for the program is saving soil and water by encouraging installation of conservation practices, and indirectly affect the small business who wish to perform this work.
10 CSR 70-5.020 - Application and Eligibility for Funds	1/30/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule relates to the state's cost share program, the public purpose for the program is saving soil and water by encouraging installation of conservation practices, and indirectly affects small business who wish to perform this work.
10 CSR 70-5.030 - Design, Layout and Construction of Proposed Practices; Operation and Maintenance	1/30/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule relates to the state's cost share program, the public purpose for the program is saving soil and water by encouraging installation of conservation practices, and indirectly affects small business who wish to perform this work.
10 CSR 70-5.040 - Cost-Share Rates and Reimbursement Procedures	1/30/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule relates to the state's cost share program, the public purpose for the program is saving soil and water by encouraging installation of conservation practices, and indirectly affects the small business who wish to perform this work.
10 CSR 70-5.050 - District Administration of the Cost-Share Program	1/30/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule relates to the state's cost share program, the public purpose for the program is saving soil and water by encouraging installation of conservation practices, and indirectly affects the small business who wish to perform this work.
10 CSR 70-5.060 - Commission Administration of the Cost-Share Program	1/30/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule relates to the state's cost share program, the public purpose for the program is saving soil and water by encouraging installation of conservation practices, and indirectly affects the small business who wish to perform this work.
10 CSR 70-6.010 - Watershed District Tax Levy Referendums	1/30/2019	Yes	No	No	No	No	N/A	No	No	

Missouri Department of Natural Resources Rule Review

2021

Solid Waste Management

Number of Rules Reviewed	Date of Adoption or Last Amendment	Solid Waste Management							Comments received?	Department Comments
		1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.		
16										
10 CSR 80-2.010 - Definitions	2/28/2007	Yes	No	No	No	Yes	N/A	Yes*	No	*This rule provides definitions for various regulatory terms, ensuring that waste disposal activities do not pose a risk to human health and the environment.
10 CSR 80-2.015 - Preliminary Site Investigation, Detailed Site Investigation Work-plan, and Detailed Site Investigation and Characterization Report	2/28/2007	Yes	No	No	No	Yes	N/A	Yes*	No	*This rule ensures that landfills are constructed in appropriate areas where that landscape minimizes the risk of contaminants.
10 CSR 80-2.020 - Permit Issuance, Construction Permits, Operating Permits, Emergency Permits, and Exemptions	8/30/1997	Yes	No	Yes*	No	Yes	N/A	Yes**	No	*Portions of the rule overlap with local solid waste regulations that require landfills obtain a permit from the local authority. **This rule serves the public interest by describing the documents and demonstrations applicants need to complete in order to receive a permit. Additionally, this rule provides a process for persons to receive permit exemptions for certain beneficial uses of otherwise solid waste.
10 CSR 80-2.030 - Solid Waste Disposal Area Closure, Post-Closure Care and Corrective Action Plans and Procedures with Associated Financial Assurance Requirements	7/30/1997	Yes	No	Yes*	No	Yes	N/A	Yes***	No	*This rule may overlap with local solid waste regulations. **The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031 RSMo. ***This rule ensures there are sufficient financial resources in place for the Department to complete closure or other actions at landfills if the owner/operator fails to do so.
10 CSR 80-2.040 - Administrative Penalty Assessment	12/30/1999	Yes	No	No	No	No	N/A	Yes*	No	*This rule can affect small businesses by way of a monetary penalty assessed against the business for non-compliance the MO solid waste management law & regulations. This rule is necessary for the Department to be able to effectively and appropriately assess administrative penalties when warranted to protect human health and the environment.
10 CSR 80-2.080 - Tonnage Fees	3/14/1991	Yes	No	No	No	No	N/A	Yes*	No	*This rule serves a public purpose by implementing the tonnage fee established by statute. Among other things, the fee revenue funds the Department's oversight of landfills to protect human health and the environment, the operations of the Solid Waste Management Districts, and numerous grants for recycling and other reuse programs that reduce the amount of solid waste going to landfills.
10 CSR 80-3.010 -Design and Operation	2/28/2019	Yes	No	Yes*	No	Yes	Yes	Yes**	No	*Portions of the rule overlaps with state air regulations and may overlap with local solid waste regulations. **This rule serves a public purpose by placing requirements on the design and operations of landfills.
10 CSR 80-5.010 -Design and Operation	8/30/1997	Yes	No	No	No	No	N/A	Yes*	No	*This rule serves a public purpose by placing requirements on the design and operation of processing facilities.
10 CSR 80-7.010 - Infectious Waste Management	2/28/2019	Yes	No	Yes*	No	Yes*	N/A	Yes**	No	*This rule overlaps with some local rules as well as rules promulgated by the Department of Health and Senior Services. The federal regulations and the state regulations from other agencies including DHSS and DOA have changed over the years. An effort is needed to meet cooperatively with these agencies and work cooperatively to identify and address regulatory gaps. **This rule serves a public purpose in prescribing standards for the management and treatment of infectious waste to protect human health and the environment.

Missouri Department of Natural Resources Rule Review

2021

Solid Waste Management

1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department Comments
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Number of Rules Reviewed	Date of Adoption or Last Amendment	Solid Waste Management							Comments received?	Department Comments
		1	2	3	4	5	6	7		
16										
10 CSR 80-8.020 - Scrap Tire Collection Centers and End-User Registration	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to protect the public from improperly stored scrap tires which pose an environmental and public health hazard.
10 CSR 80-8.030 - Scrap Tire Hauler Permits	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to protect the public from improperly stored scrap tires which pose an environmental and public health hazard.
10 CSR 80-8.050 - Scrap Tire Processing Permits	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule is necessary to protect the public from improperly stored scrap tires which pose an environmental and public health hazard.
10 CSR 80-9.030 - Scrap Tire Grants	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule makes scrap tire grants available to small businesses.
10 CSR 80-9.035 - Scrap Tire Clean-Up Contracts	2/28/2019	Yes	No	No	No	No	N/A	Yes*	No	*This rule establishes transparency for the bid process for applicants to follow to seek grants and for the review process and criteria utilized by the Department.
10 CSR 80-9.050 - Solid Waste Management Fund-District Grants	10/30/2007	Yes	No	No	Yes*	Yes*	N/A	N/A	No	*The Department plans to review many of the submittal and other paperwork aspects of this rule to identify ways to eliminate unnecessary requirements while maintaining appropriate oversight.
10 CSR 80-11.010 - Design and Operation	7/30/1997	Yes	No	Yes*	No	Yes	N/A	Yes**	No	*The Department is reviewing its ability to obtain authority to implement the federal rule. **This rule serves a public purpose by placing requirements on the design and operation of landfills.

Missouri Department of Natural Resources Rule Review

2021

State Parks

1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department Comments
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Number of Rules Reviewed	Date of Adoption or Last Amendment	10	10 CSR 90-2.010 - Definitions	2/28/2019	Yes	No	No	No	N/A	No	No	*Some minor changes, administrative in nature, may be proposed in the near future. Does not cause additional regulatory burden.
			10 CSR 90-2.020 - Park Management	2/28/2019	Yes	No	No	No	N/A	No	No	
			10 CSR 90-2.030 - Camping and Recreational Activities	2/28/2019	Yes	No	No	No	N/A	No	No	*Some minor changes, administrative in nature, may be proposed in the near future. Does not cause additional regulatory burden.
			10 CSR 90-2.040 - Park Property	2/28/2019	Yes	No	No	No	N/A	No	No	
			10 CSR 90-2.050 - Organized Group Camps	2/28/2019	Yes	No	No	No	N/A	No	No	*Some minor changes, administrative in nature, may be proposed in the near future. Does not cause additional regulatory burden.
			10 CSR 90-2.070 - Fencing on Park-Owned Property	2/28/2019	Yes	No	No	No	N/A	No	No	
			10 CSR 90-3.010 - Definitions-- Revolving Fund	11/30/2018	Yes	No	No	No	N/A	No	No	
			10 CSR 90-3.020 - Acquisition of Historic Property	11/30/2018	Yes	No	No	No	N/A	No	No	
			10 CSR 90-3.030 - Procedures for Making Loans	11/30/2018	Yes	No	No	No	N/A	No	No	
			10 CSR 90-3.040 - Acceptance of Donations	1/15/1993	Yes	No	No	No	N/A	No	No	

Missouri Department of Natural Resources Rule Review

2021

State Environmental Improvement and Energy Resources Authority

1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department Comments
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Number of Rules Reviewed	Date of Adoption or Last Amendment	State Environmental Improvement and Energy Resources Authority						
		1	2	3	4	5	6	7
10 CSR 130-1.010 Definitions	4/30/2019	Yes	No	No	No	No	No	No
10 CSR 130-1.020 Application Forms and Fees	4/30/2019	Yes	No	No	No	No	No	No

There is an incorrect cross reference in section (7). When the rules were revised in 2018, this reference was not updated to reflect the removal of certain other sections. Any reference to subsection (11)(B) should read (7)(B). Any future rule revision should address this oversight.

Missouri Department of Natural Resources Rule Review

2021

Division of Energy

1 - Does this rule continue to be necessary, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted?	2 - Is this rule obsolete, taking into consideration the length of time since the rule was modified and the degree to which technology, economic conditions, or other relevant factors have changed in the subject area affected by the rule?	3 - Does this rule overlap, duplicate, or conflict with other state rules, and to the extent feasible, with federal and local governmental rules?	4 - Could a less restrictive, more narrowly tailored, or alternative rule adequately protect the public or accomplish the same statutory purpose?	5 - Does this rule need amendment or rescission to reduce regulatory burdens on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork?	6 - Does this rule properly incorporate material by reference?	7 - Does this rule affect small businesses? For rules affecting small businesses, state whether the public purpose or interest for adopting the rule justifies the continued existence of the rule.	Comments received?	Department Comments
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Number of Rules Reviewed	Date of Adoption or Last Amendment	Division of Energy							Comments received?	Department Comments
		1	2	3	4	5	6	7		
6										
10 CSR 140-2.010 Definitions	10/30/2018	Yes	No	No	No	No	N/A	No	No	This rule provides definitions of special terms used in conjunction with the Energy Set-Aside Fund under sections 640.651 through 640.689 RSMo.
10 CSR 140-2.020 General Provisions	10/30/2018	Yes	No	No	No	No	N/A	No	No	This rule describes the method that will be utilized for administering the Energy Set-Aside Fund under sections 640.651 through 640.681 RSMo.
10 CSR 140-4.010 Wood Energy Credit	7/30/2017	Yes	No	No	No	No	N/A	Yes*	No	*This rule establishes the requirements and procedures for claiming the tax credit on wood energy products as provided for in sections 135.300-135.311 RSMo.
10 CSR 140-6.010 Definitions and General Provisions — Membership	11/30/2018	Yes	No	No	No	No	No*	Yes**	No	*The Department plans to evaluate and update the incorporations by reference to comply with Section 536.031, RSMo. **This rule establishes procedures to operate the Missouri Propane Education and Research Program, as required under section 414.520 RSMo.
10 CSR 140-7.010 State Building Minimum Energy Efficiency Standards	8/28/2013	Yes	No	No	No	No	Yes	No	No	This rule establishes a minimum energy efficiency standard for construction of a state building, substantial renovation of a state building where major energy systems are involved, or a building which the state or state agency considers for acquisition or lease as required under section 8.812, RSMo.
10 CSR 140-8.010 Certification of Renewable Energy and Renewable Energy Standard Compliance Account	8/28/2013	Yes	No	No	No	No	N/A	Yes*	No	*This rule implements provisions of the "Renewable Energy Standard," found in sections 393.1020 through 393.1030, RSMo. Some minor changes, administrative in nature, may be proposed in the near future. Does not cause additional regulatory burden.